

Thurston County Pioneer and Historical Society, Olympia, Wash., protesting against changing the name of Mount Rainier; to the Committee on the Public Lands.

3309. Also, petition of Abe Darlington, Placerville, Calif., and 37 other signers of a petition, protesting against the passage of the compulsory Sunday observance bill (S. 3218) or the passage of any other religious legislation; also, George H. Palmer, Anderson, Calif., and 89 other signers, protesting against the passage of this bill; to the Committee on the District of Columbia.

3310. By Mr. SMITH: Petition of Chamber of Commerce, American Falls, Idaho, urging the enactment of a universal draft law applicable to the resources of the country as well as to men, which it is believed will serve as a deterrent against possible unjust wars in the future; to the Committee on Military Affairs.

3311. By Mr. SINNOTT: Petition of sundry citizens of the State of Oregon, protesting against the passage of the Sunday observance law (S. 3218); to the Committee on the District of Columbia.

3312. By Mr. TINKHAM: Petition of the Army and Navy Union of the United States of America, Boston, Mass., favoring increase of pension to Civil and Spanish-American War veterans; to the Committee on Pensions.

3313. By Mr. WURZBACH: Petition of sundry citizens of San Antonio, in the State of Texas, protesting against the passage of Senate bill 3218, the Sunday observance bill; to the Committee on the District of Columbia.

## SENATE

TUESDAY, December 30, 1924

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, our God, we approach Thee this morning with thanksgiving, for Thou hast been very gracious unto us. Thou hast caused the days as they multiply to bring us fresh mercies and to qualify us for duties agreeable to Thy holy will. Grant that the admonitions of Thy providence and the directions of Thy spirit may enable us to understand more and more clearly the high obligations of service to Thee, our God, and to the country in which we live. The Lord glorify Himself in this hour. We ask in Jesus' name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### PETITIONS AND MEMORIALS

Mr. BROOKHART presented the memorial of L. Haskell and sundry other citizens of Garwin, Iowa, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. McLEAN presented the petition of the Woman's Christian Temperance Union, of Danielson, Conn., praying for the passage of House bill 6645, the so-called Cramton bill, proposing to amend the national prohibition act; to establish a bureau of prohibition in the Treasury Department and to place its personnel under the civil service, etc., which was referred to the Committee on the Judiciary.

He also presented the petition of members of the congregation of St. Paul's Church, of New Haven, Conn., praying for the adoption of such measures as will aid in the establishment of world peace, which was referred to the Committee on Foreign Relations.

He also presented petitions of the United Spanish War Veterans of Hartford and Philip H. Sheridan Council No. 1467, Royal Arcanum of New Haven, both in the State of Connecticut, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of the Congregation B'Nai Jacob, of New Haven, Conn., praying for the admission into this country of certain aliens now stranded at various European ports, which was referred to the Committee on Immigration.

### SETTLEMENT ON FEDERAL IRRIGATION PROJECTS

On motion of Mr. KENDRICK, the Committee on Irrigation and Reclamation was discharged from the further consideration of the bill (S. 3605) to provide for aided and directed settlement on Government land in Federal irrigation projects, introduced by him December 8, 1924, and it was indefinitely postponed.

### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington (for Mr. McCormick):

A bill (S. 3777) to permit the United States of America to be made defendant, and to be bound by decrees and final judgments entered, in land-title registration proceedings in the circuit court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles, in force in the State of Illinois May 1, 1897; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 3778) to establish standard weights for loaves of bread, to prevent deception in respect thereto, to prevent contamination thereof, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. KENDRICK:

A bill (S. 3779) to provide for aided and directed settlement on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. McLEAN:

A bill (S. 3780) granting an increase of pension to Mary Duffy (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3781) granting an increase of pension to Marvel J. Nash; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3782) granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania, doing business in the State of Mississippi, to construct a railroad bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi; to the Committee on Commerce.

By Mr. RANSEDELL:

A bill (S. 3783) to amend the United States cotton futures act and the United States cotton standards act; to the Committee on Agriculture and Forestry.

By Mr. CAMERON:

A bill (S. 3784) to provide for the acquisition of a site and the erection thereon of a Federal building at Yuma, Ariz.; to the Committee on Public Buildings and Grounds.

### PROPOSED COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. SHEPPARD. Mr. President, pursuant to the notice I gave on yesterday, I offer the following Senate resolution and ask its reference to the Committee on Rules.

The resolution (S. Res. 287) was read and referred to the Committee on Rules, as follows:

*Resolved*, That part 1, Rule XXV, Standing Rules of the Senate, be, and the same is hereby, amended by adding a new paragraph to read as follows:

Committee on World War Veterans' Legislation, to consist of 16 Senators.

### CATHERINE V. COSTELLO

Mr. CURTIS submitted the following resolution (S. Res. 288), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Catherine V. Costello, widow of William J. Costello, late a private of the Capitol police, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

### PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on December 24, 1924, the President approved and signed the joint resolution (S. J. Res. 159) providing for the control and eradication of the European fowl pest and similar diseases in poultry.

### THE INTERNATIONAL MAP OF THE WORLD (S. DOC. NO. 177)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

*To the Congress of the United States:*

I transmit herewith a report by the Secretary of State recommending a request to Congress to enact legislation pro-

viding for an appropriation of \$30 for the payment for the calendar year 1925 of a contribution by the United States toward the secretarial expenses of the Bureau for the International Map of the World.

The matter is fully explained in the report of the Secretary of State. In view of the importance which the Secretary of the Interior attaches to this bureau and its work, I trust that the small appropriation recommended will be granted.

CALVIN COOLIDGE.

THE WHITE HOUSE,  
Washington, December 30, 1924.

#### FEDERAL TRADE COMMISSION INVESTIGATION

The PRESIDENT pro tempore. Morning business is closed. Mr. NORRIS. Mr. President, before routine morning business is closed I wish to remind the Chair that I introduced a resolution (S. Res. 286) on yesterday which went over under the rule. I would like to have the Chair lay the resolution before the Senate.

The PRESIDENT pro tempore. The Chair is very uncertain with regard to the matter. The Chair has held heretofore that only routine morning business can be considered save by unanimous consent pending what is known as the Muscle Shoals bill and the unanimous-consent agreement under which we are operating. The Chair is of the opinion that the resolution offered by the Senator from Nebraska is not included in routine morning business, and, while somewhat uncertain with regard to its decision, yet that has been the ruling of the Chair and will be adhered to unless the Senate decides otherwise.

Mr. NORRIS. I was laboring under the impression that a part of the routine morning business was a resolution coming over from the previous day, and that morning business was not finished until resolutions going over under the rule were taken up. It is so given in the rules, as I remember. Let me say to the Chair, however, that it was not my intention to press the resolution this morning if there was any Senator who objected to it, because I understand that the gentlemen's agreement, or whatever it may be called, under which we are working to-day is that no business shall be transacted except by unanimous consent, and I, of course, have no desire to violate that agreement. However, I do not want to be put in a position where I shall not be able to take up the resolution on Friday when we convene and the present agreement or understanding is no longer in force.

The PRESIDENT pro tempore. May the Chair state to the Senator from Nebraska that it is the opinion of the Chair that the resolution would come up automatically, as soon as the pending unfinished business is disposed of, at the close of the first routine morning business after that time?

Mr. NORRIS. I shall ask on Friday, after the Senate convenes and when the routine morning business has been disposed of, to have the resolution taken up. If the Chair is right in his construction, of course any objection would put it over to-day. I doubt that, but I will have to submit to the ruling. However, I do not want to be put in a position to-day where the resolution will automatically go over beyond Friday, because on Friday I want to have it considered. It ought to be considered before we dispose of the Muscle Shoals measure because it bears directly on the questions involved in that bill.

Mr. ROBINSON. May I make a suggestion to the Senator from Nebraska and the Chair in this connection? Perhaps the point of order might be laid over until Friday and determined then. If the resolution were brought up now I should be compelled under the agreement that was entered into before the holidays to object to its disposition until some Senators return who I think would be interested in being present.

Mr. NORRIS. I have no objection to that course. I have no desire to take any advantage of their absence.

Mr. ROBINSON. I suggest to the Senator that he withdraw for the present his request to take it up, so that the Senate may proceed to business by unanimous consent, and that he raise the question again on Friday.

Mr. NORRIS. In order that I may then raise the question and not block myself by anything that happens to-day, and still reserving the right to contend on Friday that it is a part of the routine morning business if I so desire, I ask unanimous consent that the resolution which I introduced and which went over under the rule be laid over until Friday without prejudice.

Mr. ROBINSON. That is satisfactory.

Mr. DIAL. I do not want it to be conceded that that is the correct legislative procedure, and therefore I shall have to object.

Mr. ROBINSON. I do not understand, if the Senator from South Carolina will permit me—

The PRESIDENT pro tempore. The Chair repeats that it is the opinion of the Chair that the resolution will come up, being laid before the Senate, at the close of morning business immediately after the disposition of the so-called Muscle Shoals bill.

Mr. ROBINSON. The Senator from Nebraska desires to avoid a ruling on that point at this time and others desire to do so, in order that business may be considered under the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair understood the Senator from South Carolina to object to the unanimous-consent request, and unless the Chair is overruled the resolution will come up automatically at the time I have indicated.

Mr. ROBINSON. The Chair understands that the Senator from South Carolina does not object to deferring the determination of the point of order until Friday. What he objects to is making the resolution a special order for Friday.

Mr. DIAL. I do not want to concede that we can make it a special order.

Mr. NORRIS. I have not asked that that be done.

Mr. DIAL. I do not want to waive any rights.

Mr. NORRIS. The Senator does not lose any rights.

Mr. DIAL. I do not see where the Senator would get by making that request.

Mr. NORRIS. I will say to the Senator very frankly—

The PRESIDENT pro tempore. The Chair will state the unanimous-consent request again. The Senator from Nebraska asks that the resolution introduced by him on yesterday shall lie over without prejudice.

Mr. DIAL. I do not object to that. There is nothing to that, because I do not concede that it can be taken up.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

#### ADJOURNMENT TO FRIDAY

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it shall adjourn to meet on Friday next at 12 o'clock.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

#### THE CALENDAR

Mr. CURTIS. I ask unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. ROBINSON. Under Rule VIII?

Mr. CURTIS. Yes. That limits debate to five minutes.

Mr. ROBINSON. Under Rule VIII it is in order for any Senator to move to proceed to the consideration of a bill if objection be made. I suggest to the Senator from Kansas that he modify his request so that only unobjected bills shall be considered, and that all debate be limited to five minutes.

Mr. CURTIS. I intended to include that when I said unobjected bills. I ask unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar, and that debate be limited on each bill to five minutes.

The PRESIDENT pro tempore. The Chair understands the request to be that the Senate now proceed to the consideration of unobjected bills on the calendar under Rule VIII—

Mr. CURTIS. No; that debate be limited to five minutes.

The PRESIDENT pro tempore. Debate is limited to five minutes under Rule VIII.

Mr. ROBINSON. But any Senator under Rule VIII may move to proceed to the consideration of a bill that is objected to, and if his motion prevails the limit is relaxed and debate is unlimited. The arrangement suggested by the Senator from Kansas, to which I consent, is that we proceed to the consideration of unobjected bills on the calendar, that it be not in order to move to proceed to the consideration of any bill that is objected to, and that all debate be limited to five minutes.

The PRESIDENT pro tempore. The Chair understands the modification proposed by the Senator from Arkansas to be accepted by the Senator from Kansas.

Mr. CURTIS. That is correct.

Mr. SMOOT. Just a word, Mr. President. If this request is agreed to, then any bill that may be objected to will not be considered to-day.

Mr. CURTIS. Certainly not.

Mr. ROBINSON. No; certainly not.

Mr. SMOOT. I do not want to have it understood that a bill may be brought up and five minutes' debate had on it even if there is objection to its consideration.



The PRESIDENT pro tempore. The Chair wants to have a clear understanding. The Chair understands that in the event any bill on the calendar is objected to a motion to proceed to the consideration of that bill shall not be in order.

Mr. ROBINSON. That is right.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement as requested? The Chair hears none, and it is so ordered. The Clerk will report the first bill on the calendar.

#### BILLS PASSED OVER

The bill (S. 56) for the allowance of certain claims for indemnity for spoiliations by the French prior to July 31, 1801, as reported by the Court of Claims was announced as first in order on the calendar.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1181) naming the seat of Government of the United States was announced as next in order.

Mr. WILLIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### CAPT. RAMON B. HARRISON

A joint resolution (S. J. Res. 46) for the relief of Capt. Ramon B. Harrison was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged officers, Ramon B. Harrison, who was a captain of Infantry, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 23d day of December, 1920.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. JONES of Washington. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. REED of Pennsylvania and Mr. BRUCE. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### AMENDMENT OF THE PENAL CODE

The bill (S. 2691) to amend the Penal Code was announced as next in order.

Mr. JONES of Washington. I rather think the bill is of such importance that it ought to go over. I do not know that I have any objection to it, however.

Mr. WALSH of Montana. Perhaps if I state briefly what is contemplated by the bill the Senator will have no objection

to its consideration. It changes the law so that a conviction of a misdemeanor does not carry a forfeiture of civil rights unless the judgment of the court so provides.

Mr. JONES of Washington. That is the only change?

Mr. WALSH of Montana. That is all.

Mr. JONES of Washington. The committee were unanimous in reporting the bill?

Mr. WALSH of Montana. They were.

Mr. JONES of Washington. I withdraw my objection.

Mr. SMOOT. There is no report on the bill from the committee.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "follow," to strike out the remainder of the bill in the following words: "Or unless the defendant shall or did receive a sentence of imprisonment for more than one year. All laws or provisions of law conflicting herewith are hereby repealed," so as to make the bill read:

*Be it enacted, etc.,* That section 335 of the Penal Code be amended to read as follows:

"Sec. 335. All offenses which may be punished by death or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors.

"No trial, plea, conviction, or sentence for any crime shall be deemed to have involved or shall involve and carry with it loss of citizenship or of civil rights, or make the accused a felon or infamous, unless the verdict of the jury or the sentence imposed upon the defendant shall or did expressly specify that the loss of civil rights is to follow."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2151) to increase the subsistence and per diem allowances of certain officers and employees of the Department of Agriculture was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1809) for the relief of Emelus S. Tozier was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1639) to provide for the appointment of a court reporter by each judge of the United States district court, fixing their salaries and fees, defining their duties, and repealing all laws and parts of laws inconsistent herewith was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 1387) to provide for payment of the amount of a war-risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, was announced as next in order.

Mr. SMOOT. Let the bill be read, Mr. President.

The PRESIDENT pro tempore. The bill will be read.

The reading clerk read the bill.

Mr. SMOOT. Mr. President, that whole subject matter is being considered now by a subcommittee, and they want to

arrive at some definite conclusion to recommend to the Senate for the handling of all of these cases. I think they all ought to be settled in the same way and at the same time, and for that reason I shall ask that this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2685) for the relief of the Davis Construction Co. was announced as next in order.

Mr. WILLIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### AMENDMENT OF JUDICIAL CODE

The bill (S. 2000) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, I rather think that bill ought to go over.

Mr. ROBINSON. Mr. President, may we not have some statement concerning the bill? It has gone over a number of times, I think, and yet no Senator has ever stated any objection to it. I should like to have some Senator who is familiar with the bill take five minutes to state its nature and purpose.

Mr. JONES of Washington. Yes; I think the bill ought to be explained.

The PRESIDENT pro tempore. If the Chair may be indulged, the present occupant of the chair is the author of the bill, and it is perfectly obvious that it is a bill of such importance that it ought to be fully explained to the Senate. The present occupant of the chair has no objection to its being passed over.

Mr. ROBINSON. Very well; let it go over then.

Mr. FLETCHER. Mr. President, I understand that the bill has the approval of the full committee and is recommended by the Justices of the Supreme Court and is a very desirable piece of legislation. That is my understanding of the character of the bill.

Mr. ROBINSON. The report of the Judiciary Committee appears to be unanimous. I see no reason why we should not consider it at this time, unless some Senator objects to it.

Mr. WATSON. Mr. President, if the bill is one of importance and consequence why does not the present occupant of the chair take the floor and explain it to us, and then he can resume the chair afterwards? If it is a matter of immediate consequence and ought to be taken up, it seems to me that is the logical way to proceed.

The PRESIDENT pro tempore. The Chair is somewhat embarrassed, because he is the author of the bill; but he thinks it is due to the Senate that the bill should be explained, and he intends, when not in the chair, at some convenient time to ask that it be considered. The Chair does not think such a bill should be passed without any consideration by the Senate.

Mr. WALSH of Montana. Mr. President, I am very sure that the discussion of the subject could not be completed under the five-minute rule. The bill makes very important changes in the jurisdiction of the courts, particularly of the Supreme Court of the United States, that require, I think, very serious consideration by the Senate.

Mr. ROBINSON. Let it go over, then.

The PRESIDENT pro tempore. The bill will be passed over.

#### AKTIESELSKABET MARIE DI GIORGIO

The bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CAPPER subsequently said: Mr. President, I ask unanimous consent to return to Order of Business 401, House bill 8235, which we passed about an hour ago. It is a bill which authorizes a Norwegian corporation to bring suit in the court of admiralty to recover damages sustained by reason of a collision. Since we passed the bill I have received a letter from the Department of State requesting a change in the bill as passed by the House, and I therefore ask unanimous consent to return to it.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Without objection, the action of the Senate in passing House bill 8235 is reconsidered. The bill is before the Senate and open to amendment.

Mr. CAPPER. The Department of State says:

The last proviso of the act as passed by the House of Representatives reads as follows: "and also that the said claimants agree to pay such costs and judgments as may be decreed against them."

The department says:

The Shipping Board is of the opinion that, as the Norwegian corporation has no property in this country, it may be impossible to enforce payment of any judgments or costs decreed against it and suggests that the proviso in question be eliminated and that there be substituted in place thereof a proviso that the corporation shall file a surety bond to secure the payment of any costs or judgments that may be decreed against it. It is accordingly suggested that the following proviso be substituted in place of the proviso quoted above:

"And also that the said Aktieselskabet Marie di Giorgio, within 30 days after the institution of any suit by it against the United States or against it by the United States, shall file a surety bond signed by such American surety company and in such amount as shall be agreed upon by the proctors for the respective parties or as shall be fixed by the court to secure payment of any costs or judgments which may be decreed against it."

That will come in at the end of the bill, on page 2, line 25.

Mr. FLETCHER. Mr. President, it seems to me that this is a rather important matter and that we ought not to be disposing of it in this kind of a way. Had it not better go over?

Mr. CAPPER. It is a mere formality. It is simply to protect the interests of the Government.

Mr. FLETCHER. I know it is, but it is a very important matter. What I was thinking was that we had better take a little time to get it in proper shape.

Mr. ROBINSON. Mr. President, I think the amendment is a proper one, and I see no objection to disposing of it now. The State Department has suggested the form which the amendment should take. It simply provides, as I understand, that these parties shall give security for the payment of costs which may be adjudged against them, they having no property within the jurisdiction of the court.

Mr. CAPPER. That is all there is to it. There is no possible objection to the amendment.

Mr. FLETCHER. I do not object to it. I merely made the suggestion.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Kansas.

The READING CLERK. In lieu of the last proviso in the bill it is proposed to insert the following:

And also that the said Aktieselskabet Marie di Giorgio, within 30 days after the institution of any suit by it against the United States or against it by the United States, shall file a surety bond signed by such American surety company and in such amount as shall be agreed upon by the proctors for the respective parties or as shall be fixed by the court to secure payment of any costs or judgments which may be decreed against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MILITARY TARGET RANGE RESERVATION, UTAH

The bill (S. 1733) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That for the purpose of eliminating certain private holdings within the Militia Target Range Reservation, the Secretary of War is authorized to acquire by purchase the fee simple and absolute title to certain private lands located within the boundary lines of the Militia Target Range Reservation located in Utah and Salt Lake Counties, Utah, withdrawn and reserved by Executive order of the President dated April 24, 1914, and amended by Executive order of April 13, 1915.

SEC. 2. The Secretary of War is also hereby authorized to acquire by purchase for military purposes the complete title to certain other lands held under private ownership and situated contiguous to said Militia Target Range Reservation.

SEC. 3. The lands to be acquired under this act are to be used as a training camp for the National Guard, for other troops of the Army of the United States, and for other military purposes, and contain a total area of 7,221.21 acres, more or less. That for the purpose of acquiring titles to these lands and improvements thereon the sum of \$54,160 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which amount shall become immediately available upon the approval of this act.

Mr. ROBINSON. Mr. President, I think the Senator who introduced this bill should make a brief statement in connection with it.

Mr. SMOOT. Yes; I will.



Mr. President, the Government has established, about 18 miles from Salt Lake City, a target range, and it is not sufficient in area for the purpose. The authorities wanted to purchase enough land there to make it a permanent target range hereafter. It will cost the amount of \$57,000. The Senator will notice this settlement in the report:

During the past year it was impossible to lease the land in question, and it became necessary to send the Field Artillery units of the National Guard of Utah to California for field training.

I was told by the officer at Fort Douglas that the sending of the Field Artillery to California cost three times the amount of the purchase price of the land. It is within 18 miles of the city. It will be impossible to hold that as a target-practice range hereafter unless this additional land is purchased, and the department wants it.

Mr. ROBINSON. The appropriation carried by the bill appears to be \$54,160.

Mr. SMOOT. Yes.

Mr. ROBINSON. Does that include all of the expenditures which will be authorized by the bill?

Mr. SMOOT. All the expenditures; and not only that but it will pay for all that is on the land in the way of improvements.

Mr. ROBINSON. I see no objection to the consideration of the bill.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 246) for the relief of Margaret I. Varnum was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3091) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### FRENCH SPOILATION CLAIMS

Mr. BRUCE. Mr. President, may I ask—I happened to be entering the Chamber at the time—how Order of Business 422, Senate bill 56, relating to the claims for indemnity for French spoliation, came to be taken up at the time that it was?

Mr. FLETCHER. It was not taken up.

Mr. BRUCE. Just as I came in through the door I heard some Senator suggest that it go over, and I was curious to know how that bill came to be taken up at that time.

Mr. ROBINSON. Mr. President, if I may do so, I will state to the Senator that under the order under which the Senate is proceeding only unobjected bills may be considered, and an objection was made by some Senator to the consideration of that bill.

Mr. BRUCE. Yes; I understand it; but it was taken up as No. 1, and its calendar number seems to be 422. What I did not understand was why it should be taken up as No. 1.

Mr. ROBINSON. I did not understand that myself; but objection was made, and under the order under which we are proceeding it can not be considered at this time.

Mr. BRUCE. Very well, then.

#### BILLS PASSED OVER

The bill (H. R. 7111) to promote American agriculture by making more extensively available and by expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad, and in other ways, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1638) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and

for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill (S. 626) to prevent the sale of cotton and grain in future markets, was announced as next in order.

Mr. RANDELL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1230) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1642) to provide for the purchase and sale of farm products was announced as next in order.

Mr. ERNST. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2570) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 47) establishing a congressional committee to consider ways and means through legislation to lighten the responsibilities of the President was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

#### AMENDMENT OF WAR RISK INSURANCE ACT

The bill (S. 2155) to amend and modify the war risk insurance act was announced as next in order.

Mr. SMOOT. Mr. President, I think I shall have to ask that that bill go over now; but I will say to the junior Senator from Indiana [Mr. RALSTON] that that bill is being considered by the Finance Committee in connection with a complete revision of certain laws affecting the war risk insurance act. I shall ask that the bill go over, unless the Senator wants it indefinitely postponed.

Mr. RALSTON. No; I do not. The Senator is speaking of Senate bill 2155?

Mr. SMOOT. Senate bill 2155.

The PRESIDENT pro tempore. The Chair suggests that the committee has been discharged from the further consideration of this bill, and it is on the calendar, in view of the discharge of the committee.

Mr. SMOOT. The committee was discharged?

The PRESIDENT pro tempore. It so appears. The committee was discharged, the Chair is informed by the clerk, on the 24th of April.

Mr. RALSTON. That is correct. I asked that it be discharged.

Mr. SMOOT. Then, I will ask that it go over.

Mr. RALSTON. If the Senator please, I will take it up with him later. It may go over for the time being.

The PRESIDENT pro tempore. The bill will be passed over.

#### JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 87) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Florida [Mr. FLETCHER] offered an amendment to that bill, and I suppose he will want a vote upon it. There is not a quorum here, and therefore I shall have to ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### CONSTRUCTION OF VESSEL FOR COAST GUARD

The bill (H. R. 6817) to provide for the construction of a vessel for the Coast Guard was considered as in Committee of the Whole.

Mr. ROBINSON. Mr. President, I understand that this is a House bill and that its passage is recommended by the Secretary of the Treasury, and that there is real need for the vessel.

Mr. JONES of Washington. There is real need for it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## OGDEN CHAMBER OF COMMERCE

The bill (S. 660) for the relief of the Ogden Chamber of Commerce was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$663.03" and insert "\$651.68," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay to the Ogden Chamber of Commerce, Ogden, Utah, out of any money in the Treasury not otherwise appropriated, the sum of \$651.68, as reimbursement for expenses incurred by such chamber of commerce in connection with the purchase of land and water rights for the United States Government for the use of the Ogden Arsenal.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. ROBINSON. Mr. President, I think we ought to have an explanation of this bill.

Mr. SMOOT. I can give it to the Senator in a very few words.

At the time the arsenal was built at Ogden—I forget the amount of money that was spent there for that purpose, but there were certain lands that had to be purchased by the Government before the recommendation was made for an appropriation for the building of the arsenal. Those lands were purchased by the Chamber of Commerce of Ogden for the Government, and they borrowed the money at the bank for the purpose of paying for the lands. The Government paid the principal only, claiming that they had no right to pay the interest that the chamber of commerce paid. They paid \$600 interest, as provided for in the bill.

Mr. ROBINSON. Part of it is interest. Part of it is fees for abstracts and stamp tax on a deed.

Mr. SMOOT. Yes.

Mr. ROBINSON. It frequently happens that a community, out of its desire to get a public building erected, pays such expenses as these without requiring the Government to reimburse the community for them. Frequently arrangements are made that the Government shall buy the land, and the local commercial organizations arrange about the title.

Mr. SMOOT. Not in the case of an arsenal. I never understood why the people wanted it anywhere near the city, but it is there, and the explosives are stored there for the Government. I do not know what would happen if there should be an explosion at any time.

Mr. ROBINSON. Is the bill favorably recommended by the War Department?

Mr. SMOOT. It is. It is a department bill, drawn not by me but by the department.

Mr. ROBINSON. I shall not object to its consideration.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS PASSED OVER

The bill (S. 2586) for the relief of Robert June was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1548) to amend section 9 of an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved March 4, 1923, as amended, was announced as next in order.

Mr. ROBINSON. Mr. President, this appears to be a very important bill. I remember that it was discussed in the Senate for quite a length of time and a great diversity of opinion arose concerning it. In that view of the matter, I shall have to ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3010) to amend the classification act of 1923, approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

## ALIEN PROPERTY TRADE INVESTMENT CORPORATION

The joint resolution (S. J. Res. 121) to create a body corporate by the name of the "Alien Property Trade Investment Corporation" was announced as next in order.

Mr. SMOOT. Mr. President, can the Senator from South Carolina [Mr. DIAL] explain briefly what the joint resolution means? It is a long measure, and I have not had time to read it, or the report, either.

Mr. DIAL. I shall be glad to explain it.

Mr. SMOOT. It seems to me that it is a very important measure to pass without some understanding or discussion of it.

Mr. DIAL. Mr. President, I was exceedingly anxious to get this joint resolution passed at the last session. It would have aided the country greatly then, particularly the farming element of the country. I still think it might be well to pass it.

The object of the joint resolution is to encourage trade with the people of Germany, Austria, and Hungary. The Alien Property Custodian has in his possession a large sum of money belonging to the individuals of those countries, which fund was impounded some time ago to be held until the claims of our people against those Governments shall be settled. This joint resolution provides a commission, composed of the Secretary of the Treasury, the Alien Property Custodian, and three others, I believe, to be appointed by the President, to lend that fund on proper security to the inhabitants of those three countries. The fund is to be used merely as a revolving fund with which to export our surplus agricultural products. Security is to be deposited with that commission here.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. DIAL. Certainly.

Mr. ROBINSON. The proposal is to take something like \$150,000,000 of the Alien Property Custodian fund, which belongs to private individual aliens, and loan it out and do business on it?

Mr. SMOOT. Without security?

Mr. DIAL. Oh, no.

Mr. ROBINSON. Well, whether with or without security?

Mr. SMOOT. It says without security.

Mr. ROBINSON. It seems to me that when the United States Government creates a corporation to engage in business it ought to take its own money or the money of its own citizens rather than the money of aliens. I believe that the time is coming when this Government ought to pay to the owners of that property the sums due them. This is private property; and the honor of this Government, the traditions of the Government, and the precedents require that we shall regard it as sacred.

Mr. DIAL. The Senator from South Carolina is just as much opposed to the Government going into business as any other Senator, and this could be justified only on the ground that that fund is already impounded and that the owners of it are getting no benefit from it. It would give the people in those countries something with which to go to work. I do not believe in donations. I believe in helping people help themselves, and I believe that this fund should be held by the United States Government until claims of our individual citizens against those countries are settled.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. DIAL. Certainly.

Mr. ROBINSON. This Government made a separate treaty of peace with Germany, and entered into an agreement with that Government by which this fund should be held as in the nature of collateral security to secure the payment by Germany of the private claims of American citizens against the German Government. Under those circumstances, and under the further consideration that this is private property, does the Senator feel that this Government ought to loan the money out for the purpose of enabling people to carry on commercial business?

Mr. DIAL. I would not favor such action as a rule. I favor it only as an emergency measure. The fund would not be placed beyond that agreement. It would be held intact, and, to be frank, my object was to help the cotton mills of Germany, Austria, and Hungary to get the raw material with which to operate. We would thereby give the people of those countries employment, and we would also thereby aid, in a measure, in getting rid of the surplus in this country. The same would apply to wheat and other agricultural products; but, to be perfectly frank, I was particularly anxious about cotton, because we have a surplus in this country, and I want that gotten rid of. At the same time this bill would help the people of this country get rid of their surplus and would give the people of other countries an opportunity to go to work and to make their own living. It would also help us to get a good interest on this fund. It would keep the fund sacred, it being used merely to aid people to go to work, instead of lying idle here in our Treasury Department.

Mr. SWANSON. Does not the Senator think that part of that fund would get into Germany. It seems to me this measure's very purpose would destroy the purpose of the trust. This fund is impounded with two trusts attached to it—one for the individuals who own it; secondly, as collateral security,



as suggested by the Senator from Arkansas [Mr. ROBINSON], to pay American people who were injured by Germany. If the fund were transferred to Germany and loaned there, how could we have control of it?

Mr. DIAL. They would have to deposit security for it with the commission. Otherwise they would not get the fund. I believe in the sacredness of obligations just as much as does the Senator from Virginia, and I do not at all advocate allowing the fund to get beyond our reach.

The PRESIDENT pro tempore. The time of the Senator has expired. Is there objection?

Mr. FESS. Let it go over.

The PRESIDING OFFICER. The joint resolution will go over.

#### BILLS PASSED OVER

The bill (S. 1232) for the relief of Stephen A. Winchell was announced as next in order.

Mr. DIAL. I ask that that bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6896) to amend an act entitled "The classification act of 1923," approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2525) for the relief of Henry Martin was announced as next in order.

Mr. SMOOT. I notice that the bill has an adverse report.

Mr. DIAL. Let it go over.

The PRESIDENT pro tempore. The bill was reported adversely.

Mr. ROBINSON. Under the usual practice of the Senate, when a bill is reported adversely it is indefinitely postponed, and I suggest that we take that action in this case.

The PRESIDENT pro tempore. If there is no objection, the bill will be indefinitely postponed.

#### PALESTINE TROUP

The bill (S. 3090) for the relief of Palestine Troup was announced as next in order.

Mr. DIAL. I ask that the bill may go over.

Mr. WARREN. I hope the Senator will not object to the consideration of this bill. It is for the relief of an old Civil War veteran who has but a few years to live, and it only provides for a correction of his record. He wants to have it passed more in the interest of his children than to provide him with a pension.

Mr. DIAL. I will ask that it go over until I have had an opportunity to examine it. The Senator may call it up later.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

#### MEMORIAL BRIDGE ACROSS THE POTOMAC RIVER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3173) to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes, which was read, as follows:

*Be it enacted, etc.,* That the commission created by section 23 of the act approved March 4, 1913 (37 Stat. p. 885), is hereby authorized and directed to proceed at once with the construction of a memorial bridge across the Potomac River from the vicinity of the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, including appropriate approaches, roads, streets, boulevards, avenues, and walks leading thereto on both sides of said river, together with the landscape features appertaining thereto, all in accordance with the design, surveys, and estimates of cost transmitted by said commission to Congress under date of April 22, 1924: *Provided*, That said commission may make such changes in design and location of said bridge, without increasing the total cost of the project, as in its discretion may be found to be necessary or advisable.

SEC. 2. That the execution of the project herein and hereby authorized shall be carried out under the general supervision of the Arlington Memorial Bridge Commission in the immediate charge of the executive officer of the said commission, and that said construction shall be entered upon as speedily as practicable in accordance with the plans submitted by the said commission and shall be prosecuted to completion by contracts or otherwise, as may be most economical and advantageous to the Government and approved and ordered by the said commission in a total sum not to exceed \$14,750,000, which sum is authorized to be appropriated from any moneys available or that may become available in the Treasury of the United States.

SEC. 3. That the said executive officer of the said Arlington Memorial Bridge Commission is hereby authorized, with the approval of the said commission, to employ the services of such engineers, architects, sculptors, artists, and other personnel as shall be determined to be necessary without reference to civil-service requirements and at rates of pay authorized by said commission: *Provided*, That such officers of the United States Corps of Engineers as may be considered necessary by said commission may be detailed by the President on this work for such periods as the commission may require.

SEC. 4. That the said Arlington Memorial Bridge Commission is hereby authorized to occupy such Government-owned lands as may be necessary for the bridge project authorized herein, and on completion of the project to transfer to the park system under the Chief of Engineers, United States Army, all or such portions of such lands as the said commission may, in its discretion, decide to be necessary.

SEC. 5. That the said Arlington Memorial Bridge Commission is hereby authorized to procure, by purchase in the open market, or otherwise, as may be most advisable, or by condemnation, such privately owned lands as may be necessary for approaches on the Virginia shore and to allow B Street NW., Washington, D. C., to be opened up from the Capitol to the Potomac River in accordance with the said plans of the said commission: *Provided*, That any condemnation carried out under this act shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing for a site for the enlargement of the Government Printing Office.

SEC. 6. That the project herein authorized may be prosecuted by direct appropriations or by continuing contracts, or by both direct appropriations and continuing contracts: *Provided*, That the expenditures in any year shall not exceed the amounts for the corresponding year as shown in the 10-year program of expenditures and construction contained in the report of the said commission.

SEC. 7. That said commission shall annually submit to Congress, through the Bureau of the Budget, a statement of sums of money previously expended and an estimate of the total sum of money necessary to be expended in the next succeeding year to carry on the work authorized by this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HARRIMAN GEOGRAPHIC CODE SYSTEM

The joint resolution (S. J. Res. 41) authorizing a joint committee of both Houses to investigate the Harriman Geographic Code System, now in use by the War Department, with a view to ascertaining the adaptability and application of said system in the several executive departments and administrative branches of the Government and to rendering a just compensation to the owner thereof, was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

#### BENNING NATIONAL FOREST, GA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1033) to establish the Benning National Forest in the State of Georgia, which was read, as follows:

*Be it enacted, etc.,* That the military reservation at Camp Benning, Ga., described in General Orders, No. 54, War Department, Washington, November 14, 1921, is hereby established as the Benning National Forest, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plan as may be jointly approved by the Secretary of Agriculture and the Secretary of War, to provide for the use and occupation of such lands and for the sale of products from such lands.

SEC. 2. That such national forest shall remain subject to the unhampered use of the War Department for military purposes, shall not be subject to appropriation or disposal under any public land law of the United States, and nothing in this act shall be construed to relinquish the authority over such lands as a military reservation now vested in the War Department.

SEC. 3. That any moneys available for the use, maintenance, improvement, protection, and general administration of the national forests may be available for use in the Benning National Forest. All receipts from the sale of products from or for the use of lands in such forest shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, but 35 per cent of such receipts shall be available to the Secretary of Agriculture for the construction of roads and trails within such forest.

SEC. 4. That any person who shall violate any provision of this act or any rule or regulation promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ARBITRATION OF DISPUTES ARISING OUT OF CONTRACTS, ETC.

The bill (S. 1005) to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations was announced as next in order.

Mr. ROBINSON. This appears to be a very important bill. I do not want to object to its consideration, but the Senate should be advised as to what its purposes are and what its effects would be.

Mr. WALSH of Montana. Mr. President, I can state, for the information of the Senator, what the bill is intended to accomplish. I feel like saying in this connection, however, that the Senator's colleague, the junior Senator from Arkansas [Mr. CARAWAY] has some objections to the bill, and I do not feel like urging its consideration in his absence.

In short, the bill provides for the abolition of the rule that agreements for arbitration will not be specifically enforced. That is a rule which has obtained in the English and American systems of jurisprudence. The business interests of the country find so much delay attending the trial of lawsuits in courts that there is a very general demand for a revision of the law in this regard. So the bill provides that whenever parties agree in their contracts to submit controversies arising under the contracts to arbitration, and then either one refuses to carry out that agreement by appointing an arbitrator, as is provided in the provision for arbitration, the other party may institute his suit in court, and recite the facts in relation to the agreement and the refusal upon the part of the other party to appoint an arbitrator as is provided in the contract, whereupon the court will appoint an arbitrator, and the arbitration will proceed.

Mr. ROBINSON. Because of the absence of the Senator who is opposed to this bill, or who desires to submit amendments to it, I shall object to its present consideration.

Mr. DIAL. Mr. President, I hope we can get the bill passed very soon after the junior Senator from Arkansas returns. There is a great demand for its passage.

Mr. ROBINSON. I myself have no objection to the consideration of the bill, but I feel constrained to make the objection because I am informed that a Senator who can not be here to-day does object.

Mr. DIAL. I am not asking that the bill be now considered. The PRESIDENT pro tempore. The bill will be passed over.

## FISH-CULTURAL STATION AT ORANGEBURG, S. C.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3084) to enlarge the fish-cultural station at Orangeburg, S. C. The bill had been reported from the Committee on Commerce with an amendment in line 3, after the words "sum of," to strike out "\$50,000" and to insert in lieu thereof "\$25,000," so as to make the bill read:

*Be it enacted, etc.,* That the sum of \$25,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the enlargement of the Orangeburg fish-cultural station in the State of South Carolina, including the purchase of additional land, the construction of buildings, ponds, improvements to water supply, and for the purchase of equipment.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN W. DILKS

The bill (H. R. 7296) for the relief of John W. Dilks was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. BRUCE. Mr. President, I hope the Senator will withdraw his objection. This bill has been most thoroughly and most exhaustively considered, and the Committee on Military Affairs came to the conclusion that it was eminently a meritorious bill; so I hope the Senator from South Carolina will withdraw his objection.

Mr. DIAL. Mr. President, I have not had an opportunity to read the bill and the report. I merely see that it is a bill providing relief in the case of one of the deserters in the war of 1861.

Mr. BRUCE. It is, but the circumstances were such as to satisfy us absolutely that this man did not desert. He was captured and subsequently paroled, but before he was paroled he disappeared from sight completely, and it was supposed he

had deserted; but, in point of fact he did not desert, if the evidence is to be believed, and we thought it was to be believed. He was simply captured on the field of battle and spirited away, was lost sight of in Washington, and was entered as a deserter; but afterwards, as soon as his parole ran out, he reenlisted in the West and served faithfully until the end of the war. The Committee on Military Affairs very frequently turns down such applications.

Mr. DIAL. Did the Senator say this man reenlisted?

Mr. BRUCE. He did; and I will say another thing. This man did not want any pension. What he wanted to do was to vindicate his honor, and when he made his application he was particular to request that no pension should be granted to him; but we thought as we were satisfied that he had never deserted it was only right that he should receive his pension. The fact that the bill accords him a pension is not in the least due to his solicitation, but only through our voluntary action. So I trust the Senator from South Carolina will make at least one exception.

Mr. DIAL. I do not want to make any exceptions, but I do not desire to do anybody an injustice, and I had not read the report. But I see that the Senator is correct. The report states that—

The records of the War Department show him as a deserter as of August 29, 1862, which was about the time he was captured and paroled.

Mr. BRUCE. On the field of the second battle of Bull Run.

Mr. DIAL. The report continues:

Not hearing from his command, he went West and enlisted in the One hundred and forty-sixth Illinois Infantry and served faithfully until the close of the war, thereby indicating he was not a willful deserter.

Therefore it indicates he was not a deserter, and if he was not a deserter I am willing that the bill shall go through.

Mr. BRUCE. It is an absolutely clear case, in our judgment. We considered it most carefully, as the House committee has done.

Mr. DIAL. I had not read the report.

Mr. BRUCE. I understand, and I hope the Senator will withdraw his objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Dilks, who was a private of Company E, Seventy-second Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on or about the 29th day of August, 1862; but provides that no pension, pay, or allowance shall be held to have accrued prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NURSE CORPS OF THE ARMY AND NAVY

The bill (S. 3285) to provide retirement for the Nurse Corps of the Army and Navy was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

## SWEDISH FISHING BOAT "LILLY"

The bill (S. 2458) to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 8, after the name "*Lilly*," to insert "or any other parties pecuniarily interested," so as to make the bill read:

*Be it enacted, etc.,* That there is hereby authorized to be paid to the Government of Sweden, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners and crew of the Swedish fishing boat *Lilly*, or any other parties pecuniarily interested, through the sinking of that vessel by the United States Army transport *Antigone* on March 23, 1920, an amount equivalent to 26,381 kroner on the date of the approval of this act, as recommended by the President in his message of January 3, 1924.



Mr. McNARY. Mr. President, I do not see the sponsor of the bill in the Senate. This is a most important measure, and I would like to have some statement of the facts appertaining to the relief that is sought. Otherwise, I shall object to its consideration.

Mr. WILLIS. Mr. President, possibly I will not be able to give the details which the Senator from Oregon might very properly desire, but I have a distinct recollection that this bill was considered in the Committee on Foreign Relations. Perhaps the Senator from Arkansas will recall the measure. I do recall that it was very thoroughly considered.

Mr. ROBINSON. What is the bill to which the Senator refers?

Mr. WILLIS. It is Senate bill 2453. It was given to the Senator from New Hampshire [Mr. MOSES] to report. My recollection is that the committee was convinced that the bill is a just and equitable measure. What is the recollection of the Senator from Arkansas?

Mr. ROBINSON. My recollection is that this vessel, the *Lilly*, a Swedish vessel, was destroyed by a United States Army transport, and that as an act of grace it was deemed wise and proper for the United States Government to reimburse the owners of the vessel, through the Swedish Government, for the loss of the vessel. I think there is no question about the merit of the claim, and the opinion of the Foreign Relations Committee was unanimous with respect to it.

Mr. WILLIS. It is my recollection that the committee was unanimously of the opinion that the bill should be passed.

Mr. FLETCHER. Its passage was recommended by the President and also by the State Department.

Mr. McNARY. I withdraw my objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Foreign Relations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

#### NORWEGIAN STEAMSHIP "HASSEL"

The bill (S. 2718) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable*, was announced as next in order.

Mr. SHIPSTEAD. Mr. President, the Senator from New Hampshire [Mr. MOSES] has sent word to me asking that this bill be laid over for the present, and, to comply with the request of the Senator, I ask that that be done.

The PRESIDENT pro tempore. The bill will be passed over.

#### CLOSING CERTAIN STREETS IN THE DISTRICT OF COLUMBIA

The bill (S. 1179) to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized to close Broad Branch Road between Jocelyn and Thirty-first Streets, Piney Branch Road between Spring Road and Blair Road, Pierce Mill Road between Tilden Street and Wisconsin Avenue, Belt Road between Wisconsin Avenue and Chevy Chase Circle, Colfax Street through square 712, Queens Chapel Road between Bladensburg Road and Irving Street, Grant Road between Wisconsin Avenue and Connecticut Avenue, and such other streets, roads, or highways, or parts of streets, roads, or highways, as may, in the judgment of the Commissioners of the District of Columbia, become useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of a street, road, or highway in the District of Columbia by dedication, purchase, or condemnation; the title to the part or parts of the streets, roads, or highways so closed to revert to the abutting property owners: *Provided*, That the consent of the owners of all the property abutting on the street, road, or highway, or a part of street, road, or highway, proposed to be closed be obtained.

SEC. 2. That whenever a street, road, or highway, or any part of a street, road, or highway, is sought to be closed in accordance with the provisions of this act, a plat showing the street, road, or highway, or part of the street, road, or highway, to be closed by the said commissions, as provided herein, shall be prepared by the surveyor of the District of Columbia and approved by the Commissioners of the District of Columbia and ordered by the said commissioners to be recorded in the

office of the surveyor of the District of Columbia, and the area to be apportioned to each property owner abutting on the street, road, or highway, or part of street, road, or highway, closed by the said commissions, as provided herein, shall be determined by the said commissions and shall be shown by plats and computations prepared by the surveyor of the District of Columbia, and said apportioned areas shall be assessed on the books of the assessor of the District of Columbia the same in all respects as other private property in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CIVIL WAR FORTS PARKWAY IN DISTRICT OF COLUMBIA

The bill (S. 1340) to make the necessary survey and to prepare a plan of a proposed parkway to connect the old Civil War forts in the District of Columbia, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That for the purpose of preserving the sites of the old Civil War forts which formed a part of the defenses of Washington and to make them accessible to the public, the Commissioners of the District of Columbia are hereby authorized and directed to make a survey and plan and to submit same to Congress at the earliest practicable date, with recommendation as to what lands should be acquired to provide a continuous parkway of suitable width connecting the sites of the following old forts: Fort Greble, Fort Lincoln, Fort Carroll, Battery Ricketts, Fort Stanton, Fort Wagner, Fort Baker, Fort Davis (United States owned), Fort Dupont (United States owned), Fort Shaplin, A Battery, Fort Mahan, Fort Bunker Hill, Fort Totten, Fort Slocom, Fort Stevens, Fort DeRussey, Fort Bayard, Battery Kemble, Battery Vermont (United States owned), and Battery Parrott, together with an estimate of the cost of such acquirement, including the cost of such old forts as are not now owned by the United States. In the preparation of the survey and plan herein directed the commissioners shall confer with the Federal Highway Commission in order that upon completion of said plan the necessary steps may be taken to incorporate it into the highway system of the District of Columbia, under the authority granted by the act of March 4, 1915 (U. S. Stat. L. vol. 37, chap. 150, p. 949), and shall also obtain the advice of the National Commission of Fine Arts.

For the employment of such expert assistance and other services as may be necessary, and for other necessary expenses in connection with the work of the commissioners, the sum of \$5,000 is hereby authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 1934) to amend, revise, and reenact section 549 of subchapter 4 of the Code of the District of Columbia, relating to the appointment of deputy recorder of deeds and fixing the compensation therefor, was announced as next in order.

Mr. SMOOT. There is no report accompanying the bill, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1935) to amend, revise, and reenact subchapter 3, sections 546 and 547 of the Code of Law of the District of Columbia, relating to the recording of deeds of chattels, was announced as next in order, and the reading clerk proceeded to read the bill.

Mr. ROBINSON. Before a further reading of the bill, it would be well for some Senator familiar with it to state in what respect it changes the existing law.

Mr. SMOOT. The Senator from Delaware [Mr. BALL] is not here. He introduced the bill and reported it from the committee.

Mr. ROBINSON. I think the bill had better go over, in the absence of the Senator reporting it.

The PRESIDENT pro tempore. The bill will be passed over.

#### COMPULSORY SCHOOL ATTENDANCE, DISTRICT OF COLUMBIA

The bill (S. 2842) to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, was announced as next in order.

Mr. ROBINSON. This is a very important bill. It provides for compulsory education in the District of Columbia. While I do not wish to imply opposition to the measure, I think it ought to be considered a little more fully than can be done to-day, and I suggest that it go over.

Mr. CAPPER. Mr. President, will the Senator withhold his objection just a moment?

Mr. ROBINSON. Certainly.

Mr. CAPPER. A similar bill passed the Senate in the last Congress unanimously. It has been very carefully considered by the committee and is greatly desired by the Board of Education, by the superintendent of education, and by the Commissioners of the District of Columbia. However, in the last Congress it failed of passage in the House.

Mr. WALSH of Montana. I wish to ask the Senator from Kansas how this bill differs, if at all, from the ordinary State compulsory education act?

Mr. CAPPER. It is in line with the laws of 38 States. The compulsory attendance law we have in the District of Columbia at this time is almost a dead letter. It provides for compulsory school attendance between the ages of 6 and 14. There are only five States in the Union at this time that have as lax a law as that provision. The bill provides for compulsory attendance between the ages of 6 and 18.

Mr. WALSH of Montana. When was the existing law passed?

Mr. CAPPER. Sixteen years ago. It is really out of date and is certainly wrong in its provisions.

Mr. SMOOT. Can the Senator state how many employees it is going to take to administer the change in the law?

Mr. CAPPER. Not to exceed two more than are now employed.

Mr. SMOOT. The bill does not so indicate. First there is a director to be appointed—

whose rank shall correspond to that of other directors who serve as officers of the Board of Education and who shall be paid the same salary as said directors, and who shall be known as the director of the department of school attendance and work permits, and also to appoint such a number of attendance officers, inspectors, clerks, and other assistants as shall be necessary to carry out the provisions of this act.

Then it proceeds:

Such appointments, other than that of the director of said department and clerks, shall be made from a list of applicants obtained from open competitive examinations.

Evidently the bill is broad enough to provide for another bureau in some department of the Government.

Mr. CAPPER. A great deal of this work the board is attempting to do now, but not effectively. The bill simply coordinates the duties that have been handled in a very unsatisfactory way by a number of other employees. There are a number of clerks connected now with the Board of Education who are engaged in this work. The estimate is that it would not cost to exceed \$10,000 a year more than the department is costing at this time.

Mr. ROBINSON. Does the Senator state that the bill was considered at length by the committee and unanimously reported?

Mr. CAPPER. It was.

Mr. ROBINSON. I shall make no objection to its consideration.

Mr. SMOOT. I shall not object to it either, but I am a little doubtful about the wisdom of its passage.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.—*

#### ARTICLE I.—COMPULSORY SCHOOL ATTENDANCE

SECTION 1. Every parent, guardian, or other person residing permanently or temporarily in the District of Columbia who has custody or control of a child between the ages of 7 and 16 years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools of the District of Columbia are in session: *Provided*, That instruction given in such private or parochial school, or privately, is deemed equivalent by the Board of Education to the instruction given in the public schools.

SEC. 2. Any child between the ages of 14 and 16 years who has completed satisfactorily the eighth-grade course of study prescribed for the public elementary schools of the District of Columbia, or a course of study deemed by the Board of Education equivalent thereto, may be excused by the superintendent of schools from further attendance at school under the provisions of this act, provided he is actually, lawfully, and regularly employed.

SEC. 3. The Board of Education of the District of Columbia may issue a certificate excusing from attendance at school a child who, upon examination ordered by such board, is found to be unable mentally or physically to profit from attendance at school: *Provided, however*, That if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction.

SEC. 4. The Board of Education shall define in its rules and regulations valid excuses for absence from school, and the absence of a child between the ages of 7 and 16 years for any reason other than so defined as valid shall be unlawful.

SEC. 5. An accurate daily record of the attendance of all children between the ages of 7 and 16 years shall be kept by the teachers of every public, private, or parochial school and by every teacher giving instruction privately. Such record shall at all times be open to the school-attendance officers or other persons authorized to enforce this act, who may inspect and copy the same.

SEC. 6. It shall be the duty of every principal or head teacher of every public, private, or parochial school, or private teacher to report to the department of school attendance and work permits the name and address of any child between the ages of 7 and 16 years enrolled in his school whenever such child has been absent from school two day sessions or four one-half day sessions or more in any school month, together with the reason for such absence as far as known.

SEC. 7. The parent, guardian, or other person residing permanently or temporarily in the District of Columbia and having charge or control of any child between the ages of 7 and 16 years who is unlawfully absent from public or private school or private instruction shall be guilty of a misdemeanor, and upon conviction of failure to keep such child regularly in public or private school or to cause it to be regularly instructed in private, shall be punished by a fine of \$10 or by commitment to jail for five days, or by both, at the discretion of the court: *Provided*, That each two days such child remains away from school unlawfully shall constitute a separate offense: *Provided further*, That upon conviction of the first offense sentence may, upon payment of costs, be suspended and the defendant placed on probation.

#### ARTICLE II.—SCHOOL CENSUS

SECTION 1. That it shall be the duty of the director of school attendance and work permits, under instruction of the superintendent of schools, approved by the Board of Education, to cause to be made a complete census of all children between the ages of 3 and 18 years permanently or temporarily residing in the District of Columbia, and annually thereafter or as frequently as may be found necessary or desirable. Such census shall be amended from day to day as changes of residence occur among children within the ages prescribed in this act, and as other persons come within the ages prescribed, and as other persons within such ages shall become residents of the District. The record of such enumeration of children shall give the full name, address, race, sex, and date and place of birth of every such child, the school attended by him, and if the child is not at school the name and address of his employer, and the name, address, and occupation of the parents or guardian.

SEC. 2. It shall be the duty of the principal or head teacher of every public, private, or parochial school or private teacher, in accordance with the rules adopted by the Board of Education, to report to the director of the department of school attendance and work permits the name, address, sex, age, and race of every child under 18 years of age residing permanently or temporarily in the District of Columbia who enrolls in or withdraws from his school.

SEC. 3. Any parent, guardian, custodian, principal, or teacher of a child between the ages of 3 and 18 who willfully neglects or refuses to provide the information required by this act, or who knowingly makes any false or untrue statement, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of \$10 or by commitment to jail for five days, or by both, at the discretion of the court.

#### ARTICLE III.—ADMINISTRATION

SECTION 1. The Board of Education is hereby authorized to consolidate the administrative duties incident to the enforcement of the provisions of this act and of the act to regulate child labor under a single division, to be known as the department of school attendance and work permits.

SEC. 2. The Board of Education is hereby authorized, empowered, and directed to appoint a director of said department whose rank shall correspond to that of other directors who serve as officers of the Board of Education, and who shall be paid the same salary as said directors, and who shall be known as the director of the department of school attendance and work permits, and also to appoint such a number of attendance officers, inspectors, clerks, and other assistants as shall be necessary to carry out the provisions of this act.

Such appointments, other than that of the director of said department and clerks, shall be made from a list of applicants obtained from open competitive examinations conducted by the respective boards of examiners of the Board of Education, and designed to test the fitness of the applicants for the duties to be performed.

SEC. 3. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising from this act.

SEC. 4. The act of Congress approved June 8, 1906, entitled "An act providing for compulsory education in the District of Columbia," and all other acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 5. That this act shall take effect from the date of its enactment.



The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REGULATION OF MILK CONTAINERS

The bill (S. 3280) to regulate in the District of Columbia the traffic in sale and use of milk bottles, cans, crates, and other containers of milk and cream to prevent fraud, deception, and for other purposes, was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### TITLE TO LAND IN THE CITY OF WASHINGTON

The bill (S. 3053) to quiet title to original lot 4, square 116, in the city of Washington, D. C., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to correct the records of the War Department in respect of original lot 4, in square 116, in the city of Washington, D. C., the title to which the records of his office show to be in the United States, upon the filing by the present owners of the lot of sufficient proof that the said owners or the party under whom they claim have been in actual possession of the said lot for an uninterrupted period of not less than 20 years, so that the said records shall show the title to said lot to be in the said owners.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MISSISSIPPI RIVER BRIDGE

The bill (S. 3292) granting the consent of Congress to the city of Hannibal, Mo., to construct a bridge across the Mississippi River at or near the city of Hannibal, Marion County, Mo., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the city of Hannibal, Mo., to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near the city of Hannibal, Marion County, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MILITARY TELEGRAPH CORPS OF THE ARMY

The bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### ORVILLE PAUL

The bill (H. R. 4432) for the relief of Orville Paul was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Jennie Kingston, the legal guardian of Orville Paul, the sum of \$2,500, in full settlement for personal injuries sustained by Orville Paul by reason of the explosion of a bomb under the direction of the war-loan organization of the eighth Federal reserve district in connection with the Victory loan drive at De Sota, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTATE OF BENJAMIN BRAZNELL

The bill (S. 1202) for the relief of the estate of Benjamin Braznell was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER (Mr. WATSON in the chair). The bill will be passed over.

#### ALBERT E. MAGOFFIN

The bill (S. 3066) for the relief of Albert E. Magoffin was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. WILLIS. Mr. President, will the Senator withhold the objection for a moment? I think if he were acquainted with the facts he would not object to the bill. It does not propose to grant a pension; neither does it propose to change the records. If the Senator has the report before him, he will discover there some very interesting information. First, I

invite his attention to a statement made by a former distinguished Member of this body—indeed, it was that affidavit which drew my attention to the bill—a statement by Hon. J. B. Foraker, who was a comrade of this man and who knew personally of the circumstances.

Here are the facts. The man received an honorable discharge, but it chanced that in the hurry of making out the discharge papers the particular injury referred to was not included. There were other reasons for his discharge, but this one was not mentioned. Senator Foraker states clearly that he distinctly remembers about the injury and that it ought to have been included. That is on page 2 of the report the Senator has before him. Further, General Charlton, then in command of the regiment, stated that he very distinctly remembered the injury to Mr. Magoffin's ankle. There is an affidavit signed by some four or five comrades and there does not seem to be any question about the facts.

What is here proposed? It is rather a matter of honor than of financial relief. It is not proposed to change the pension which he now gets, nor is it proposed to change the record, but it is proposed simply to pay to him the residue of the bounty which is due him. At the time he enlisted he was promised a bounty of \$100. Twenty-five dollars was paid, and it is proposed in the bill to pay this old ex-soldier the balance of \$75.

Mr. DIAL. It is true the amount is small, but I see from the report, on page 3, that the man is already getting a pension of \$72 a month. If we are going to come back here and settle little promises made from 1862 to 1865, it would seem to me the Senate would be submerged in the details of minor matters. If the man is getting \$72 a month, and no doubt he has been getting it for a long time, that is a sufficient pension. I ask that the bill go over.

The PRESIDING OFFICER. Does the Senator object?

Mr. DIAL. I object.

The PRESIDING OFFICER. The bill will be passed over.

#### GREENPORT BASIN & CONSTRUCTION CO.

The bill (H. R. 3348) authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co. was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### ESTATE OF ROBERT M. BRYSON

The bill (S. 2223) for the relief of the estate of Robert M. Bryson, deceased, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Fredericks, executor of the estate of Robert M. Bryson, deceased, the sum of \$12,299.41 in full satisfaction of all claims of the estate arising out of the use of the steamer *Rosedale* by the Navy Department of the United States.

Mr. DIAL. I would like to have an explanation of the bill. I have not had time to study the report.

Mr. PEPPER. This is a case in which the claimant represents the estate of one who was the owner of a vessel which was used by the Government in time of war. When the time came to adjust the compensation for the use of the vessel, the Navy Department made a proposition or finding respecting the amount payable for compensation. It was regarded by the claimant as inadequate, and while the parties were debating the question of adjustment the appropriation under which the claim could have been paid was exhausted. The claimant subsequently accepted the figures of the Navy Department.

The bill, which is unanimously reported by the Committee on Claims, is a bill for payment to the estate of the deceased owner of the vessel of the precise sum which the Navy Department has found to be justly due for the use of the vessel in war time. I very much hope that no objection will be pressed. It was a World War claim and not an old Civil War claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RINALD BROS.

The bill (S. 2833) for the relief of Rinald Bros., of Philadelphia, Pa., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to pay to Rinald Bros., of Philadelphia, Pa., out of any money in the Treasury not otherwise appropriated, the sum of \$645, as an additional price for paint in excess of the amount named

in the contract between Rinald Bros. and the Quartermaster's Department, at Philadelphia, for the year ending June 30, 1917.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHRISTINA CONNIFF

The bill (S. 3235) for the relief of Christina Conniff was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to resume and complete the remainder of the payments due to Christina Conniff, widow and beneficiary of Robert E. Conniff, deceased, according to the terms of his Government life insurance policy No. K-181801.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FANNIE M. HIGGINS

The bill (H. R. 1860) for the relief of Fannie M. Higgins was announced as next in order.

Mr. DIAL. I would like to have the bill explained.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### RHODE ISLAND STATE CLAIM

The bill (S. 3252) referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the items of the claim of the State of Rhode Island against the United States for expenses incurred and paid in aiding the United States to raise its Volunteer Army in the war with Spain, which items, either in whole or in part, were rejected by the accounting officers of the Treasury Department, be, and the same are hereby, referred to the Court of Claims for adjudication and report to Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### GRACE BUXTON

The bill (H. R. 5967) for the relief of Grace Buxton was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### FIRST INTERNATIONAL BANK OF SWEETGRASS, MONT.

The bill (S. 2689) for the relief of the First International Bank of Sweetgrass, Mont., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to the First International Bank of Sweetgrass, Mont., for the south half of section 25, township 37 north, range 5 west, Montana principal meridian, upon payment by said bank of the value of said land, to be fixed by the Secretary of the Interior, less any amounts loaned by said bank to Stephen Horgasz and remaining unpaid: *Provided,* That in no event shall patent so issue to said bank for said land except upon payment therefor by said bank at the rate of not less than \$1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RELIEF OF CERTAIN ENTRYMEN IN MONTANA

The bill (H. R. 3511) to extend relief to the claimants in township 16 north of ranges 32 and 33 east, Montana meridian, Montana, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That if by reason of the adjustment to the plat of resurvey of entries in township 16 north of ranges 32 and 33 east of the Montana principal meridian, Montana, entrymen or their assigns have heretofore acquired or may hereafter acquire patents to a less area than such entries when made were believed to contain, the Secretary of the Interior may, under such rules and regulations as he may prescribe, cause patents to issue to such entrymen or their assigns for such area of surveyed, unreserved, unappropriated, nonmineral public land in the State of Montana, not containing merchantable timber, as when added to the area to which the entries were adjusted will equal the area the entries were supposed to contain when made: *Provided,* That applications for such additional area shall be filed within six months from the date of the issuance of patent or within six months from the passage hereof if patent

has already issued: *Provided further,* That patents for such additional area shall issue without further final proof and without payment of fees or commissions.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PERMANENT COURT OF INTERNATIONAL JUSTICE

The resolution (S. Res. 234) advising the adherence of the United States to the existing Permanent Court of International Justice, with certain amendments, was announced as next in order.

Mr. SMOOT. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

#### MIGRATORY BIRD REFUGES

The bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. ROBINSON. I ask the Senator to withhold his objection for a moment for the purpose of enabling me to offer an amendment. I shall not ask further consideration of the bill than to present the amendment, which I understand is acceptable to the proponents of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I object to the consideration of the bill itself. I object to passing it at all.

Mr. ROBINSON. I am not proposing to have the bill passed. I want to have an amendment agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the bill is before the Senate as in Committee of the Whole for the purpose of amendment.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment, which will be read.

The READING CLERK. At the end of the bill, page 9, after line 24, insert:

Lands acquired, held, or used by the United States for military purposes shall not be subjected to any of the provisions of this act.

Mr. ROBINSON. This amendment was agreed to before in the Senate when a similar bill was passed on a previous occasion. As already stated, it is acceptable to the proponents of the bill and has the approval of the War Department. I understand the author of the bill has no objection to it.

Mr. BROOKHART. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. On objection of the Senator from Utah, the bill goes over.

#### R. E. SWARTZ AND OTHERS

The bill (S. 2778) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. SHEPPARD. May I submit an explanation to the Senator from Utah?

Mr. SMOOT. Certainly.

Mr. SHEPPARD. The bill proposes to pay the farmers in certain so-called noncotton zones in Texas who were prevented by an order of the State government, issued at the instance of the Federal Government, from growing cotton in those zones during the year 1918 in order to stop the pest known as the pink boll worm. The State government has already paid two-thirds of the loss, over \$400,000. The bill proposes to pay the share of the Federal Government, which is something like \$250,000, going to some 1,400 farmers, the average payment to each being about \$143. Since 1920 the agricultural appropriation bill has carried an amount to take care of the Federal Government's share of such losses in ensuing years. The pest made its appearance first in 1917 and 1918, and no provision was made for reimbursement for that year. The bill is on the same basis as payment by the Federal Government of its share of losses occasioned to owners of cattle by Government destruction to prevent the spread of the foot-and-mouth disease. This is simply the Federal Government's one-third of the losses sustained by cotton growers in 1918 in carrying out official orders to refrain from cotton growing in that year.



Mr. SMOOT. I will ask the Senator to let the bill go over to enable me to examine the report.

Mr. SHEPPARD. Very well.

The PRESIDING OFFICER. The bill will be passed over.

#### BILL PASSED OVER

The bill (S. 443) for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn., was announced as next in order.

Mr. WALSH of Montana. Mr. President, I should like to inquire why a claim of this kind does not take the usual course of adjudication before the War Department or the Court of Claims, and why we should be called upon to pass a special act with reference to it? It seems to me a rather extraordinary thing that we should be called upon to pass upon the justice of the amount of claims of this character.

Mr. SMOOT. That is true. It ought to be done in that way. Let it go over, Mr. President.

Mr. WALSH of Montana. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### NASH MOTORS CO.

The bill (S. 1893) to refund certain duties paid by the Nash Motors Co. was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Nash Motors Co., a corporation organized under the laws of the State of Maryland, the sum of \$1,223.30, as full payment to the said Nash Motors Co. of all duties levied upon an automobile chassis, the property of said company, of American manufacture and entitled to free entry under the provisions of paragraph 404 of the tariff act, and paid by the said Nash Motors Co. upon the importation of the said automobile chassis into this country.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FOREST FIRES IN MONTANA

The bill (S. 308) to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Montana, out of any money in the Treasury not otherwise appropriated, the sum of \$26,746.17, on account of money expended by the State in the suppression of forest fires on Government lands during the year 1919.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 3050) for the relief of the Turner Construction Co., of New York City, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2731) for the relief of the chamber of commerce of the city of Northampton, Mass., was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### KATE REANEY ZEISS, ADMINISTRATRIX

The bill (S. 2478) to carry out the findings of the Court of Claims in the case of Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, against the United States, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kate Reaney Zeiss, administratrix of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of \$34,161.63, being the amount found due by the Court of Claims, as reported to Congress in S. Doc. No. 146, Fifty-ninth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES E. JENKINS

The bill (S. 2879) for the relief of James E. Jenkins was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James E. Jenkins, Reno, Nev., out of any money in the Treasury not otherwise appropriated, the sum of \$75.55, to reimburse him for money expended for excise tax on automobile purchased by authority of the Bureau of Indian Affairs, and tax on freight upon automobile, and for money expended for necessary clerical assistance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 5762) for the relief of Julius Jonas was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1648) for the relief of José Louzau was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2806) for the relief of Emil L. Flaten was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### SALE OF CERTAIN PUBLICATIONS

The bill (S. 685) to authorize the Secretary of Commerce to sell certain department publications and to provide for crediting the department's printing allotment with the proceeds, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce be, and he is hereby, authorized to sell, at a price to be fixed by him based on the cost of paper and presswork, such technical, scientific, statistical, and other publications issued by the Department of Commerce or any bureau, office, or service therein as he may deem best for the public interest: *Provided,* That the receipts from such sales shall be deposited in the Treasury and credited to, and to that extent increase, the department's allotment of the appropriation for printing and binding for any fiscal year within which such deposits may be made: *Provided further,* That nothing herein contained shall be construed to prevent the usual free distribution of any publications to officials of the Government or to foreign governments, libraries, and scientific associations and institutions of learning as provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBINSON. Mr. President, the bill that has just been disposed of is Order of Business 669. May I inquire what disposition was made of Order of Business 668?

The PRESIDING OFFICER. There is no bill of that number on the calendar.

Mr. SMOOT. That was passed before.

Mr. ROBINSON. I find it in my record.

Mr. WALSH of Montana. Order of Business 668 was recommended to the Committee on the Judiciary, and is now before that body.

Mr. ROBINSON. Very well.

#### PUBLICATION OF OFFICIAL PAPERS OF UNITED STATES TERRITORIES

The bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives was announced as next in order.

Mr. RALSTON. Mr. President, the committee has reported this bill with an amendment, on page 3, line 1, to insert the words "authorized to be." I move that the amendment be adopted.

Mr. SMOOT. Mr. President, there is no report from the committee on this bill. Can the Senator tell the Senate what the cost of this publication will be?

Mr. RALSTON. It is proposed to appropriate \$25,000 a year.

Mr. SMOOT. A year?

Mr. RALSTON. Yes.

Mr. SMOOT. How long will it take to get this information together?

Mr. RALSTON. The estimate has been given me that perhaps it will take two years to do the work. It is a very important work. Many educational institutions in the country

are heartily in favor of it, as are the historical commissions of the country. The bill is very warmly indorsed.

Mr. SMOOT. Was this bill referred to the department for a report?

Mr. RALSTON. I do not know to what extent the committee investigated it.

Mr. SMOOT. The reason why I ask the Senator the question is that we have had two or three bills along similar lines that would have cost the Government hundreds of thousands of dollars. I should like to have some kind of a report from the department as to what this would cost. I see that the initial appropriation is but \$25,000, but that is no indication of what the ultimate cost of the collection of this information will be.

Mr. RALSTON. Would the Senator have any objection to the adoption of this amendment?

Mr. SMOOT. I will ask that the bill go over to-day, and in the meantime I will write to the department and ask them if they have any real information as to what it will cost.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

#### ESTATE OF JOHN FRAZER, DECEASED

The bill (S. 2520) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and others, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the word "deceased," to strike out "John" and insert "Jehu," so as to make the bill read:

*Be it enacted, etc.,* That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitations or otherwise) of the claims of the estate of John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vanzandt, deceased, known as east Florida claims, and which were the subject of and provided for in the treaty of 1819 between the United States and Spain, to provide for the complete execution of the ninth article of the said treaty, with power to find the facts therein and to render judgment against the United States in accordance with the law of nations for the unpaid portion or residue of the awards as made for said claimants by the judges of the superior court of St. Augustine, in the Territory of Florida, and by the judge of the District Court of the United States for the Northern District of Florida, under and by virtue of the acts of Congress passed to carry into effect the ninth article of said treaty: *Provided*, That no recovery shall be had on said claims or any one of them for interest or damages accruing subsequent to the awards made thereon by the superior court of St. Augustine, in the Territory of Florida, and by the judges of the District Court of the United States for the Northern District of Florida.

SEC. 2. That in considering the said claims the Court of Claims is directed to consider the findings of the fact and all evidence submitted to and now on file within the United States or of record with and on which said awards were in whole or in part based.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MARGARET B. KNAPP

The bill (S. 2794) for the relief of Margaret B. Knapp was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret B. Knapp, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 for injuries sustained by her while in the performance of her duties as a clerk in the Quartermaster Corps.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AUGUSTA REITER

The bill (S. 1016) for the relief of Augusta Reiter was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated"; and in line 10, after the words "sum of," to strike out "\$3,788.75" and insert "\$3,288.75," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Augusta Reiter, who was se-

riously injured by being run over in the city of San Francisco, Calif., on the 6th day of December, 1913, by a postal automobile truck while in charge of an employee of the United States Post Office Department in the discharge of his duties, the sum of \$3,288.75 in full compensation and satisfaction for said injuries.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FEES OF CLERKS OF DISTRICT COURTS

The bill (S. 2173) to provide fees to be charged by clerks of the district courts of the United States was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the fees hereinafter provided for, and no others, shall be charged and collected by clerks of the district courts of the United States for services performed by them or their assistants: *Provided*, That all laws or parts of laws inconsistent or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge or modify the provisions of the act of July 20, 1892 (27 U. S. Stat. L. p. 252), as amended by the act of June 25, 1910 (36 U. S. Stat. L. p. 866), and the act of June 27, 1922 (42 U. S. Stat. L. p. 666): *Provided further*, That the United States shall not be required to pay any sum or fee herein provided for.

SEC. 2. Upon the institution of any suit or proceeding, whether by original process, removal, indictment, information, or otherwise, there shall be paid by the party or parties so instituting such suit or proceeding, as fees of the clerk for all services to be performed by him in such case or proceeding, except as hereinafter provided, the sum of \$5.

SEC. 3. Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk from the party or parties filing any such answer or paper, for services performed and to be performed by said clerk in said case or proceeding the further sum of \$5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross petitioner, intervener, or party, other defendants, cross petitioners, interveners, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of \$2 for each answer or paper so filed: *Provided further*, That in any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

SEC. 4. Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk from the prevailing party or parties as an additional fee for services performed and to be performed in said suit or proceeding the further sum of \$5: *Provided, however*, That in any criminal case the clerk shall not be required to account for any such fee not collected by him.

SEC. 5. Upon the filing of any petition for appeal or writ of error to any circuit court of appeals or the Supreme Court of the United States there shall be charged and collected by the clerk from the party or parties prosecuting such appeal or writ of error an additional fee in said suit or proceeding of \$5.

SEC. 6. Upon the filing of any petition or application for a writ of habeas corpus, or appeal from a deportation order of a United States commissioner, there shall be charged and collected by the clerk from the petitioner or applicant as full payment for all services performed or to be performed by him in said proceeding the sum of \$5: *Provided*, That if an appeal is prosecuted from the order of the district court in said proceedings, then and in that event the additional sum of \$5, as provided in section 4 of this act, shall be charged and collected by the clerk.

SEC. 7. For each additional trial or final hearing, upon a reversal by a circuit court of appeals or the Supreme Court of the United States, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk from the party or parties securing such reversal, new trial, or rehearing, or from the plaintiff or plaintiffs in the event of a disagreement, the further sum of \$5: *Provided, however*, That the clerk shall not be required to account for any such fee not collected by him in any criminal case: *Provided further*, That nothing herein contained shall prohibit the court from directing by rule or standing order the collection at the time the services are rendered of the fees herein enumerated from either party, but all such fees shall be taxed as costs in the respective cases.

SEC. 8. That in addition to the fees for services rendered in cases hereinbefore enumerated, the clerk shall charge and collect for miscellaneous services performed by him and his assistants, except when on behalf of the United States, the following fees:

1. For issuing any writ or a subpoena for a witness, not in a case instituted or pending in the court from which it is issued, and filing and entering the return of the marshal thereon, 50 cents.



2. For filing and indexing any paper, not in a case or proceeding, 25 cents.

3. For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 10 cents.

4. For an acknowledgment, certificate, affidavit, or countersignature, with seal, 50 cents.

5. For taking and certifying depositions to file, 20 cents for each folio of 100 words, and if taken stenographically, 15 cents per folio additional for the stenographer.

6. For a copy of any record, entry, or other paper, and the comparison thereof, 15 cents for each folio of 100 words.

7. For filing præcipe or requisition and searching the records of the court for judgments, decrees, or other instruments or suits pending, or bankruptcy proceedings, including the certifying of the results of such search, 60 cents for the first name and 25 cents for each additional name embraced in the certificate.

8. For receiving, keeping, and paying out money in pursuance of any statute or order of court, including cash bail or bonds or securities authorized by law to be deposited in lieu of other security, 1 per cent of the amount so received, kept, and paid out, or of the face value of such bonds or securities.

9. For keeping a record of surety companies and bonds thereof, 15 cents for each folio of 100 words.

10. For preparation and mailing notices in bankruptcy, 10 cents each for the first 20 notices and 5 cents for each additional notice: *Provided*, That this fee shall cover and include all services and expenses in connection therewith: *Provided further*, That such fee shall not be deemed to be included in any other fee for services in bankruptcy proceedings.

11. For making and comparing a transcript of record on appeal or writ of error when required or requested, 15 cents for each folio of 100 words.

12. For comparing any transcript, copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of 100 words.

13. For making a final record in any case at the request of either party or upon order of court in a particular case, 15 cents for each folio of 100 words: *Provided, however*, That when any such final record is made upon order of court the fees therefor shall be taxed in the costs of the case.

14. For admission of attorneys to practice, \$1 each; for certificate of admission to be furnished upon request, \$2 additional.

15. For making any record not in a case and not provided for in this act, 15 cents for each folio of 100 words.

SEC. 9. That this act shall become and be in force and effect on and after July 1, 1924.

Mr. ROBINSON. Mr. President, I think the author of this bill—who, I see, is present—should explain the changes that are made in the fees now authorized by law.

Mr. PEPPER. Mr. President, I shall be very glad to do that.

The change contemplated by this bill is not a change in the amount of the fees, but merely in the method of handling the fees in the offices of clerks of the courts of the United States. At present a certain small fee is charged at the impetration of a writ or the origin of a suit, and another small fee at each one of the successive stages of the suit; and in a typical case it will appear that about 75 or 100 entries are necessary to be made in the clerk's book of accounts showing the receipt of each one of the small charges which are on the schedule. This measure proposes to consolidate the items into four charges each of \$5, the first one payable when the suit is begun, the second payable when the case is at issue, the third payable at the stage of judgment, and the fourth payable if and when an appeal is taken or a writ of error is sued out. It is recommended, as are the bills following it on the calendar, by a responsible organization known as the Federal Clerks' Association, composed of the clerks of the Federal courts throughout the country; and this, with the following measures, is recommended by the Department of Justice as tending to simplicity of accounting and the convenience of practitioners. It makes no substantial change in the amount of the fees; it merely simplifies the method of paying them.

Mr. WALSH of Montana. Mr. President, as I understand the Senator, in every case the fees amount to \$20, and the fees on an appeal to \$25?

Mr. PEPPER. Not quite so. In every case the first fee charged will be \$5 when the suit is begun. If it is not pressed to issue, nothing further is payable. In that event no further fee would be charged. If it is at issue, a further fee of \$5 is payable when the case is ripe for trial. If it is tried and proceeded with to judgment, a third fee of \$5 is payable; and the fourth fee is payable if and when an appeal is taken.

Mr. WALSH of Montana. That would be \$15 in the case of a case at issue, and \$20 in the case of an appeal?

Mr. PEPPER. Yes, sir.

Mr. WALSH of Montana. What would the fees be in case of a default—the case not being brought to issue, but a default taken?

Mr. PEPPER. The initial fee in every case would be \$5, and if the case went by default that would be the only fee chargeable.

Mr. WALSH of Montana. Would there be no charge for entering the judgment?

Mr. PEPPER. I have forgotten, sir, whether there is a special provision in that case or not. I think there would be an additional fee of \$5 for judgment in cases of default.

Mr. ROBINSON. Yes; section 4 provides:

Upon the entry of any judgment, decree, or final order of the court in any suit or proceeding there shall be charged and collected by the clerk, from the prevailing party or parties, as an additional fee for services performed and to be performed in said suit or proceeding, the further sum of \$5: *Provided, however*, That in any criminal case the clerk shall not be required to account for any such fee not collected by him.

Mr. PEPPER. That is correct.

Mr. ROBINSON. Why is the clerk authorized to collect a fee of \$5 from a defendant filing an answer, and from each defendant, in addition to the first \$2? It would seem that such a fee is excessive.

Mr. PEPPER. I can not make any statement of fact of my own knowledge respecting the amount of fees that would be charged under the present schedule; but I am assured by the responsible officers of the Court Clerks' Association that this makes no appreciable or substantial difference in the way of increasing amounts over the amounts as at present charged. It is merely a question of simplifying the method of payment.

Mr. ROBINSON. Section 3 provides that—

Upon the filing of any answer or paper joining issue, or the entering of an order for trial, there shall be charged and collected by the clerk from the party or parties filing any such answer or paper for services performed and to be performed by said clerk in said case or proceeding the further sum of \$5: *Provided*, That after one fee, as hereinbefore provided in this section, has been paid by any defendant, cross petitioner, intervenor, or party, other defendants, cross petitioners, intervenors, or parties, separately appearing or filing any answer or paper in said suit or proceeding, shall pay a further fee of \$2 for each answer or paper so filed: *Provided further*, That in any criminal case, upon the entering of a plea of not guilty by any defendant, there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

Mr. PEPPER. That is correct, Mr. President; but I take it that that \$5 fee payable in the criminal case is not by way of addition but by way of substitution. In other words, the first provision is for a fee on the filing of a pleading in a civil proceeding.

Mr. ROBINSON. Oh, clearly; and the latter relates to a plea by the defendant in a criminal case.

Mr. PEPPER. That is correct.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The time of the Senator from Pennsylvania has expired. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FEES OF CLERKS OF DISTRICT COURTS IN NATURALIZATION PROCEEDINGS

The bill (S. 2174) to provide for accounting by clerks of United States district courts of fees received by them in naturalization proceedings was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That section 13 of the act of June 29, 1906 (34 Stat. L. p. 600), be, and the same is hereby, amended to the extent that hereafter clerks of United States district courts shall account for and report to the Attorney General all fees and emoluments earned and received by them in naturalization proceedings under the provisions of the above-mentioned section instead of to the Bureau of Immigration and Naturalization, and such fees shall be paid over and deposited as are all other fees and emoluments earned, collected, and received by said clerks.

Mr. ROBINSON. Mr. President, let us understand what change this bill effectuates in the present method of accounting for fees.

Mr. PEPPER. Mr. President, this bill merely reduces the amount of bookkeeping to be done in the offices of the clerks

of the Federal courts. It is recommended by the department in the following terms:

That the present practice of depositing fines, penalties, costs, and other public money with the Treasurer of the United States, to the account of the Post Office, Internal Revenue, or other departments of the Government be discontinued, and that the clerks be directed to remit such money to the Treasurer of the United States.

Mr. ROBINSON. From what is the Senator reading?

Mr. PEPPER. I am reading from the committee's report accompanying the bill.

Mr. ROBINSON. Which bill?

Mr. PEPPER. The bill which is under consideration, Senate bill 2175.

Mr. ROBINSON. That is the very point. The bill under consideration is Senate bill 2174.

Mr. PEPPER. I beg the Senator's pardon. I misread the number.

Mr. ROBINSON. What the Senator has read really has no reference to the bill that is actually under consideration?

Mr. PEPPER. I mistook the number. Will the Senator indulge me and permit me to deal with the bill which I am explaining and then go back to the other bill?

Mr. ROBINSON. May I ask the Senator a question? I think it will assist in clearing up the matter. The law now requires these clerks to pay over their fees collected for naturalization services to the Bureau of Immigration. Is that right? And this bill permits them to pay directly to the Department of Justice?

Mr. PEPPER. Yes. The present method is to pay over the fees in part to the Department of Labor and in part to the Department of Justice. This was a system which originated at a time when the clerks were permitted to retain for their own use certain moneys in naturalization cases. That practice having been done away with, there is now no reason why the whole amount should not be covered into the Treasury directly. The bill therefore merely simplifies the accounting to that extent.

Mr. ROBINSON. But it does not provide for its payment into the Treasury. The bill provides that it shall be paid over to the Attorney General.

Mr. PEPPER. I should have said to the Department of Justice.

Mr. ROBINSON. Very well. I have no objection.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ACCOUNTING OF RECEIPTS BY CLERKS OF UNITED STATES COURTS

The bill (S. 2175) to provide for reporting and accounting of fines, fees, forfeitures, and penalties, and all moneys paid to or received by clerks of the United States courts, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That hereafter the clerks of United States courts shall pay or deposit to the credit of the Treasurer of the United States all judgments, fines, fees, forfeitures, penalties, and other moneys due the United States paid to or received by them, and shall report to the Attorney General, in such form as he may prescribe, the respective amounts included in any such deposit pertaining to post office, internal revenue, or customs cases or matters, respectively, and shall transmit to the Treasurer of the United States with each such payment or deposit a copy of his report to the Attorney General, and hereafter no such money shall be paid by such clerks or deposited to the credit of any collector of internal revenue, any collector or surveyor of customs, the Solicitor of the Treasury, or the Post Office Department.

Sec. 2. All provisions of law in conflict with this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF ACT OF AUGUST 1, 1888

The bill (S. 2176) to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), was considered as in Committee of the Whole and was read as follows:

*Be it enacted, etc.,* That section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), be, and the same hereby is, amended to read as follows:

"The clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices of

all judgment debtors under decrees, judgments, or orders of said courts, and such indices and judgments shall at all times be open to the inspection and examination of the public."

Mr. ROBINSON. Will not the Senator from Pennsylvania explain what change this would make in the law?

Mr. PEPPER. Under the present system, Mr. President, the clerk is required by law to keep a cross index of the names of all judgment creditors, as well as a special cross index of the names of all judgment debtors. It is found in practice that there is no use for a cross index of judgment creditors. A person searching the record, in ninety-nine cases out of a hundred is searching for the judgment debtor. If the judgment creditor's name is desired it can be found in the general index, which is also cross indexed. This bill, if it shall become a law, will relieve the clerks of the very serious burden of maintaining a cross-reference index which nobody uses.

Mr. ROBINSON. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DISPOSITION OF BRIBE MONEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2177) to provide for the disposition of moneys paid to or received by any official as a bribe, which may be used as evidence in any case growing out of any such transaction, which was read, as follows:

*Be it enacted, etc.,* That hereafter all moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall, after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court, to be disposed of under and in accordance with the order, judgment, or decree of the said court, to be subject, however, to the provisions of section 996, Revised Statutes, as amended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PEPPER. Mr. President, I will ask the Chair to indulge me for one moment. I observe that this measure is identical with the measure which appears as Order of Business 863, House bill 5425, which in identical terms passed the House at the last session of this Congress. I ask unanimous consent to reconsider the action just taken, and then to substitute the House bill for the Senate committee bill, so that the action now taken will be final action.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. WALSH of Montana. I suggest to the Senator that the better procedure would be to proceed to the consideration of the House bill.

Mr. PEPPER. Mr. President, I ask unanimous consent for reconsideration of the action taken, which was the passage of the Senate committee bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PEPPER. I now request that we proceed to the consideration of House bill 5425, Order of Business 863 upon the calendar.

The PRESIDING OFFICER. Does the Senator desire that Senate bill 2177 be indefinitely postponed?

Mr. PEPPER. I do, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator now asks that the Senate proceed to the consideration of House bill 5425, to provide for the disposition of moneys paid to or received by any official as a bribe, which may be used as evidence in any case growing out of any such transaction, which the Secretary will report.

The bill was read as follows:

*Be it enacted, etc.,* That hereafter all moneys received or tendered in evidence in any case, proceeding, or investigation in any United States court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall after the conclusion and final disposition of the particular case, proceeding, or investigation in which it was received as evidence, be deposited in the registry of the court to be disposed of under and in accordance with the order, judgment, or decree of the said court, to be subject, however, to the provisions of section 996, Revised Statutes, as amended.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.



The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ACCOUNTS OF UNITED STATES ATTORNEYS, MARSHALS, ETC.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2179) to provide for the rendition of accounts by United States attorneys, United States marshals, clerks of United States courts, and United States commissioners, which was read, as follows:

*Be it enacted, etc.,* That so much of the act of February 18, 1875 (18 Stats. p. 318), section 1 of the act of February 22, 1875 (18 Stats. p. 333), section 13 of the act of May 28, 1896 (29 Stats. p. 183), and the act of May 27, 1908 (35 Stats. p. 375), as provides, directs, and requires that the accounts of United States attorneys, United States marshals, clerks of United States courts, and United States commissioners be certified and approved by said courts or the judges thereof be, and the same are hereby, repealed, and hereafter each of the above-mentioned officials, respectively, shall make oath to his said accounts, and the accounts of United States commissioners shall be certified and approved by the United States attorney for the respective district, and all of said accounts, when made out, verified under oath, and approved and certified as herein directed, shall be transmitted to the Attorney General for examination and transmission to the General Accounting Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 300) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

The bill (S. 3300) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

#### TERM OF COURT AT PAULS VALLEY, OKLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 162) to amend the act establishing the eastern judicial district of Oklahoma, to establish a term of the United States District Court for the Eastern Judicial District of Oklahoma at Pauls Valley, Okla., which was read, as follows:

*Be it enacted, etc.,* That a term of the United States District Court for the Eastern Judicial District of the State of Oklahoma shall be held annually at Pauls Valley, Okla., for the trial of civil and criminal cases, at such times as may be fixed by the judges of the eastern judicial district of Oklahoma: *Provided,* That suitable rooms and accommodations for holding court at Pauls Valley are furnished free of expense to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TERMS OF COURTS AT POTEAU, OKLA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 644) providing for the holding of the United States district and circuit courts at Poteau, Okla. The bill provides:

*Be it enacted, etc.,* That a term of the District Court of the United States for the Eastern District of Oklahoma shall be held in each and every year in the town of Poteau, Okla., beginning on the first Monday in October and continuing till the business is disposed of: *Provided,* That suitable rooms and accommodations for holding court at Poteau are furnished free of expense to the United States.

Sec. 2. That the clerk of the United States district and circuit courts at Muskogee, Okla., shall be the clerk of the United States district and circuit courts at Poteau, Okla., until provision be made by law for the appointment of deputy clerks at the several places of holding United States district and circuit courts in the State of Oklahoma.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SITTINGS OF COURT AT SAN JUAN, PORTO RICO

The bill (H. R. 704) to authorize the Court of Appeals for the First Circuit to hold sittings at San Juan, P. R., was con-

sidered as in Committee of the Whole. It proposes that the Court of Appeals for the First Circuit shall, when in its judgment the public interests require, hold a sitting of such court at San Juan, P. R.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

The bill (H. R. 7399) to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906, was announced as next in order.

Mr. ROBINSON. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

#### ADMINISTRATION OF CUSTOMS LAWS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3357) to amend sections 2 and 5 of the act entitled "An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws," approved March 4, 1923, which had been reported from the Committee on Finance with an amendment.

Mr. SMOOT. Mr. President, I want to make an explanation of this bill, so that the Senate will know how important it is.

There are two provisions in the first section of the bill which would change existing law. One is to correct an error in section 2 of the act approved March 4, 1923, which was made at some stage of the printing, probably in the preparation of the engrossed copy.

The second provision is to give the customs representatives abroad, who are designated for foreign service, special agents, and customs agents in the service of the United States a privileged official status. That means that they can enter an establishment with an official status and can collect information which otherwise it would be impossible for them to get.

Again, it places them in a position whereby they will not be taxed by foreign governments. Some of those governments tax them and take most of the property away from them; but under this bill, if it shall pass, and as it is recommended by the Treasury Department, they will be taxed only as official representatives of foreign governments in this country are taxed and as such officials are taxed in every other country; in other words, our officials will be taxed only in America.

The amendment of the Committee on Finance was, on page 3, after line 11, to strike out section 2 of the bill, as follows:

Sec. 2. That section 5 of such act of March 4, 1923, is amended to read as follows:

"Sec. 5. That all customs officers and employees, including customs officers and employees in foreign countries, and all other Government officers and employees while traveling on official customs business, in addition to their compensation shall receive their necessary traveling expenses and actual expenses incurred for subsistence within the limitations to be imposed by the Secretary of the Treasury while traveling on duty and away from their designated station, and when transferred from one official station to another for duty may be allowed, within the discretion and under written orders of the Secretary of the Treasury, the expenses incurred for packing, crating, freight, and drayage in the transfer of their household effects and other personal property, not exceeding in all 5,000 pounds.

"The limitation of section 1 of the act entitled 'An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes,' approved April 6, 1914, and section 13 of the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes,' approved August 1, 1914, shall not apply to this section, and credit for all payments for subsistence expenses actually incurred by Government officers and employees in excess of \$5 per diem since March 4, 1923, while traveling on official customs business, but not exceeding the maximum allowed by the Secretary of the Treasury, shall be allowed in the accounts of such officers and employees."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ESTATE OF CHARLES L. FREER, DECEASED

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8100) for the relief of the estate of Charles L. Freer, deceased. It proposes that additional taxes amounting to \$74,889.56, together with all penalties and charges

thereon assessed by the Treasury Department under date of February 1, 1923, and March 6, 1923, against the estate of Charles L. Freer, deceased, late of Detroit, Mich., which estate has been closed, the executors discharged, and the residue paid over to the Smithsonian Institution as an endowment for the Freer Gallery of Art, presented to the Nation by the said Charles L. Freer, be canceled and that the Treasury Department be authorized and directed to remit any further taxes, penalties, or charges which may thereafter be found due from the said residue of the said estate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TRAFFIC IN CLINICAL THERMOMETERS

The bill (S. 1671) to provide for regulating traffic in certain clinical thermometers, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. Objection being made to the bill, it will go over.

#### OHIO RIVER BRIDGE BETWEEN INDIANA AND KENTUCKY

The Senate, as in Committee on the Whole, proceeded to consider the bill (S. 3350) granting the consent of Congress for the construction of a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.

The bill had been reported from the Committee on Commerce with an amendment on page 1, line 8, after the word "navigation," to strike out the words "which may be selected by the respective States as connecting up suitable highways between the said States in" and to insert in lieu thereof the word "between," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Commonwealth of Kentucky and the State of Indiana by and through their respective highway commissions or such other agencies as may be selected, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between the county of Henderson, Ky., and the county of Vanderburg, Ind., in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXPORT OIL CORPORATION

The bill (S. 1599) for the relief of the Export Oil Corporation was announced as next in order.

Mr. DIAL. Mr. President, I would like to have some explanation of that bill.

Mr. SMOOT. Let it go over.

Mr. HARRELD. That bill—

The PRESIDING OFFICER. Objection has been made. Does the Senator from Utah withhold his objection?

Mr. HARRELD. I can make the explanation in a minute.

Mr. SMOOT. I withhold the objection.

Mr. HARRELD. This is a war-claim case where the War Department made a contract for the delivery of a certain amount of gasoline. Afterwards it arbitrarily canceled the order, and the Export Oil Co. is asking only for permission to go to the Court of Claims, that they may establish there the amount of damages they sustained by the cancelling of the order by the War Department. The War Department recommends the passage of the bill and says the claimants are entitled to the relief. I hope no Senator will object.

Mr. DIAL. The bill provides that they shall go to the Court of Claims?

Mr. HARRELD. Yes; that they shall go to the Court of Claims.

Mr. DIAL. I have no objection to that. I think that is the place for them to go.

Mr. HARRELD. I think so.

Mr. WALSH of Montana. The only provision of the bill which seems important is the provision which is to the effect that when it is considered by the Court of Claims the court shall not reject the claim because the contract is not in writing and executed with the formalities that are required. We passed a general act which authorized the War Department to adjust and settle claims arising out of war contracts not executed with the formalities required by law. What I want to know is why this claim was not thus adjusted, and why we have to pass a special act excusing these people from

the proof of their written contract when we passed a general act excusing everybody from the necessity of establishing a contract executed with the formalities theretofore required by law.

Mr. HARRELD. The Senator will notice that this is not my bill, but is a bill introduced by my colleague [Mr. Owen]; but I understand that for some reason the claimants did not file their claim in time. The act to which the Senator has reference is the Dent Act, which required that claims be filed within a certain time; and my information is that for some reason or other this claim was not filed within that time.

Mr. WALSH of Montana. What was the reason it was not filed?

Mr. HARRELD. I am really not able to give the reasons.

Mr. WALSH of Montana. Then I ask that the bill go over.

Mr. HARRELD. Very well.

The PRESIDING OFFICER. Objection has been made, and the bill will go over.

#### AMENDMENT OF BANKING LAWS

The bill (S. 3316) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. FLETCHER. That is a very important, far-reaching measure. I think we can not possibly consider it under the limitations of the rule, and it had better go over.

The PRESIDING OFFICER. The bill will be passed over.

#### AMENDMENT OF THE DISTRICT CODE

The bill (S. 3392) to amend section 558 of the Code of Law for the District of Columbia was announced as next in order.

Mr. ROBINSON. What change would this bill make in existing law were it enacted?

Mr. ERNST. Mr. President, I have been requested to state that the only change this would make if it were enacted would be that the President could, under it, not only appoint residents of the District as notaries public, but might appoint those whose sole place of business or employment is located within the District of Columbia. That is the only change that would be made.

Mr. ROBINSON. A great many of these officials live in Virginia and Maryland, but do business in the District of Columbia. I do not see any objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that section 558 of the Code of Law for the District of Columbia be amended, so that it shall read as follows:

SEC. 558. Notaries: The President shall also have power to appoint such number of notaries public, residents of said District, or whose sole place of business or employment is located within said District, as, in his discretion, the business of the District may require: *Provided*, That the appointment of any person as such notary public, or the acceptance of his commission as such, or the performance of the duties thereunder, shall not disqualify or prevent such person from representing clients before any of the departments of the United States Government in the District of Columbia or elsewhere: *Provided*, That such person so appointed as a notary public who appears to practice or represent clients before any such department is not otherwise engaged in Government employ, and shall be admitted by the heads of such departments to practice therein in accordance with the rules and regulations prescribed for other persons or attorneys who are admitted to practice therein: *And provided further*, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the departments aforesaid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### A. V. YEARSLEY

The bill (S. 1056) for the relief of A. V. Yearsley was announced as next in order.

Mr. DIAL. I observe that there is no report accompanying that bill, and I therefore ask that it go over.

The PRESIDING OFFICER. Being objected to, the bill will go over.



## CLAIMS OF COWLITZ TRIBE OF INDIANS

The bill (S. 2557) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cowlitz Tribe of Indians may have against the United States, and for other purposes, was announced as next in order.

Mr. DIAL. Let that bill be passed over.

Mr. JONES of Washington. I hope the Senator will withdraw his objection a moment. This is the usual form of a bill referring these claims of Indians to the Court of Claims, to have them ascertained and determined. I hope the Senator will not object. The bill has been amended to conform with the recommendations of the department.

Mr. DIAL. I am not certain whether this is a bill we had up last session or not.

Mr. JONES of Washington. It is not.

Mr. DIAL. I got it a little confused with another bill. My recollection is that the bill I had in mind waived the statute of limitations, waived rights the Government had. If this bill protects the Government, I have no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 5, section 6, line 9, after the word "Provided," to strike out the following language: "That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States" and in lieu thereof to insert: "That in no case shall such fee exceed 10 per cent of the amount of any judgment recovered and shall not in the aggregate amount to more than \$25,000, and shall be paid out of the judgment recovered," so as to make the bill read:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims which the Cowlitz Tribe of Indians may have against the United States, and which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Cowlitz Tribe of Indians party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Cowlitz Tribe approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian tribe, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian tribe for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this act: *Provided*, That in no case shall such fee exceed 10 per cent of the amount of any judgment recovered and shall not in the aggregate amount to more than \$25,000, and shall be paid out of the judgment recovered.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall in such case be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS, ETC., PASSED OVER

The bill (S. 292) to incorporate the American Bar Association was announced as next in order.

Mr. ROBINSON. Mr. President, what are the advantages to be derived from incorporating the American Bar Association?

I ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (S. 3213) to incorporate the American War Mothers was announced as next in order.

Mr. SMOOT. Let that bill go over for the same reason that the bill immediately preceding it went over.

The PRESIDING OFFICER. Objection being made, the bill goes over under the rule.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto was announced as next in order.

Mr. STERLING. Let the joint resolution go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the joint resolution will go over.

The bill (S. 3034) for the relief of Ida Smith was announced as next in order.

Mr. DIAL. I should like to be informed by the author of the bill what the department recommends with regard to the bill. However, I ask that the bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

## FRANCIS NICHOLSON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1022) for the relief of Francis Nicholson.

The bill had been reported from the Committee on Claims with an amendment in line 6, after the words "sum of," to strike out "\$20,000" and in lieu thereof to insert "\$10,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$10,000 as full compensation to Francis Nicholson for injuries sustained by him upon the discharge of the evening gun at the Presidio of San Francisco October 4, 1916.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## STAPLES TRANSPORTATION CO., OF FALL RIVER, MASS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1937) for the relief of the Staples Transportation Co., of Fall River, Mass., which was read, as follows:

*Be it enacted, etc.*, That the claim of the Staples Transportation Co., of Fall River, Mass., owner of the steam tug *Eureka*, against the United States for damages alleged to have been caused by collision between the said steam tug and the U. S. pilot guard auxiliary boat No. 1229, approaching Broad Sound Channel, Boston Harbor, on or about December 24, 1917, may be sued for by the said Staples Transportation Co. in the District Court of the United States for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and measure of liability and costs as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## OWNER OF AMERICAN STEAM TUG "O'BRIEN BROTHERS"

The bill (S. 2079) for the relief of the owner of the American steam tug *O'Brien Brothers*, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the word "damages," to strike out the words "including interest," so as to make the bill read:

*Be it enacted, etc.*, That the claim of O'Brien Bros. (Inc.), owner of the American steam tug *O'Brien Brothers*, against the United States for damages alleged to have been caused by collision between said vessel and the U. S. destroyer *Henley*, on the 4th day of January, 1919, off Pier 3, Hoboken, N. J., may be sued for by the said O'Brien Bros. (Inc.) in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States, in favor of the owner of the said American steam tug *O'Brien Brothers*, or against the owner of said American steam tug *O'Brien Brothers* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. WALSH of Montana. These two bills, the one under consideration and the one just passed, provide for the trial of these specific actions in the United States district courts. Apparently they are collision claims. I wonder why we should pass a special act authorizing the trial of a particular case under particular circumstances? I think I will object to this bill.

Mr. BRUCE. They cover collisions between Government vessels and privately owned vessels.

Mr. SMOOT. I will say to the Senator that we have passed hundreds of this kind of bills. We have to pass such bills in order to give the claimant a chance to recover.

Mr. BRUCE. Yes; we have to.

Mr. WALSH of Montana. Oh, yes; I had overlooked that fact. I withdraw my objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## OWNER OF FERRYBOAT "NEW YORK"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2130) for the relief of the owner of the ferryboat *New York*.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 2, after the word "damages," to strike out the words "including interest," so as to make the bill read:

*Be it enacted, etc.*, That the claim of the United States Housing Corporation, owner of the ferryboat *New York*, against the United States of America for damages alleged to have been caused by collision between said vessel and the U. S. S. *Wasp*, on the 19th day of August, 1919, in the Elizabeth River, Portsmouth, Va., may be sued for by the said United States Housing Corporation in the District Court of the United States for the District of Virginia, sitting as a court of admiralty, and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said ferryboat *New York*, or against the owner of the said ferryboat *New York* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BEAUFORT COUNTY LUMBER CO. OF NORTH CAROLINA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2254) for the relief of the Beaufort County Lumber Co., of North Carolina, which was read, as follows:

*Be it enacted, etc.*, That the claim of Beaufort County Lumber Co. of North Carolina, a North Carolina corporation, owner of the tugboat *Atlantic City* and the barge *Flora*, against the United States for damages alleged to have been caused by collision between the said tugboat and barge and the United States Coast and Geodetic Survey steamer *Lydonia* in the harbor of Wilmington, N. C., may be sued for by the said Beaufort County Lumber Co. of North Carolina in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Beaufort County Lumber Co. of North Carolina, or against the said Beaufort County Lumber Co. of North Carolina in favor of the United States upon the same principles and measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## OWNERS OF STEAM TUG "JOSHUA LOVETT"

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2568) for the relief of the owners of the steam tug *Joshua Lovett*; which was read as follows:

*Be it enacted, etc.*, That the claim of the Taylor Dredging Co., owners of the steam tug *Joshua Lovett*, against the United States of America, for damages alleged to have been caused by collision between the said steam tug *Joshua Lovett* and car float in tow of steam tug *Ashley*, operated by the Director General of Railroads as a part of the equipment of the Central Railroad of New Jersey, on July 11, 1919, in the vicinity of Pier 7 of the Central Railroad of New Jersey, Communipaw, N. J., may be sued for by the said Taylor Dredging Co. in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steam tug *Joshua Lovett*, or against the owners of the said steam tug *Joshua Lovett* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## G. FERLITA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2774) for the relief of G. Ferlita. It proposes that the claim of G. Ferlita, owner of the schooner *Rosa Ferlita*, against the United States for damages alleged to have been caused by collision between the said schooner while lying at anchor off Cape Henry, Va., and the U. S. S. *Toucey* on the 12th day of November, 1923, may be sued for by the said G. Ferlita in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and the said damages and costs, if any, as shall be found to be due against the United States in favor of said G. Ferlita, or against the said G. Ferlita in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend the



United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CANADA STEAMSHIP LINES (LTD.)

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2860) for the relief of the Canada Steamship Lines (Ltd.).

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "damages," to strike out the words "including interest," so as to make the bill read:

*Be it enacted, etc.*, That the claim of the Canada Steamship Lines (Ltd.), owner of the British steamship *Rosedale*, against the United States of America for damages arising from the alleged loss of said vessel and her cargo, claimed to have been caused by collision on April 18, 1919, in Bristol Channel, England, between said vessel and the American steamship *Luella*, then in the transport service of the United States War Department, may be sued for by the said Canada Steamship Lines (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Canada Steamship Lines (Ltd.), or against said Canada Steamship Lines (Ltd.) in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. FLETCHER. The Senator from New York [Mr. WADSWORTH] is not present. I presume this is in the regular form of a bill, but I was going to ask how much is likely to be involved in it.

Mr. SMOOT. The court will determine that.

Mr. BRUCE. If judgment is to be found in favor of the plaintiff, the court will determine the amount.

Mr. FLETCHER. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MUSCLE SHOALS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 518, authorizing the disposal of Muscle Shoals by the Secretary of War.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Clerk will state the next order of business on the calendar.

#### BERWIND-WHITE COAL MINING CO.

The bill (S. 2992) for the relief of the Berwind-White Coal Mining Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the claim of the Berwind-White Coal Mining Co., a corporation organized under the laws of the State of Pennsylvania, with its principal place of business located in the city of New York, owner of the barge *Eureka No. 82*, against the United States for damages alleged to have been caused by the sinking of said barge in the North River, N. Y., on or about December 14, 1917, while said barge was in possession and under the control of the Department of the Navy of the United States, may be sued for by the said Berwind-White Coal Mining Co. in the United States District Court for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and cost, if any, as shall be found to be due against the United States in favor of the Berwind-White Coal Mining Co., or against the Berwind-White Coal Mining Co. in favor of the United States as in like cases in

admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARYLAND CASUALTY CO. AND OTHERS

The bill (H. R. 6383) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem one United States Treasury certificate of indebtedness, No. 8249, in the denomination of \$10,000, series TD-1921, dated December 15, 1920, and maturing December 15, 1921, with interest at the rate of 6 per cent per annum from December 15, 1920, to December 15, 1921, in favor of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co., without presentation of the said certificate or the coupons therefrom, which have been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and interest of said Treasury certificate of indebtedness, and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness herein described.

Mr. SMOOT. Mr. President, I would like to have an explanation of the bill.

Mr. BRUCE. The object of the bill is to authorize the Secretary of the Treasury to redeem certain certificates of indebtedness held by these companies and which have been lost, upon their giving the proper bond of indemnity to the Government.

Mr. SMOOT. In twice the amount of the loss?

Mr. BRUCE. Yes. The amount is \$10,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RELIEF OF MARYLAND CASUALTY CO. AND OTHERS

The bill (H. R. 6384) for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem 4½ per cent United States Treasury certificates of indebtedness Nos. 29806, 29807, 29808, and 29809, in the denomination of \$1,000 each, series TD-1920 (issued January 2, 1920), and matured December 15, 1920, without interest, in favor of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md., without presentation of said certificates of indebtedness, which have been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *And provided further*, That the said Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md., shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said certificates of indebtedness, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE A. BERRY

The bill (S. 3073) for the relief of George A. Berry was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. Objection is made and the bill will go over.

Mr. SHORTRIDGE. Mr. President, may I request of the Senator who asked that the bill go over to hear but a few words of explanation of the bill?

Mr. DIAL. I withdraw my objection for that purpose.

Mr. SHORTRIDGE. The bill has been pending a long time. It has met with the approval of the committee who examined it very thoroughly. It is approved by the Secretary of the Navy. Some phases of the facts involved were before the court, and everyone who has looked into the merits of the case has favored the passage of the measure.

It is merely to permit Lieut. Commander George A. Berry to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war, as required by the provisions of the act of July 12, 1921. It does not bind the Government to any future action, but merely permits this very valiant officer to appear before the board for the purposes indicated in the bill. I very earnestly ask that the bill be considered on its merits.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the President be, and he hereby is, authorized to order George A. Berry, ex-lieutenant commander, United States Naval Reserve Force, to appear before a naval retiring board for the purpose of determining whether or not the disability complained of in his case originated in the line of duty in time of war, as required by the provisions of the act of July 12, 1921, volume 42, Statutes at Large, page 140: *Provided*, That if said naval retiring board finds that Mr. Berry is now suffering from a disability incurred in the line of duty in time of war which renders him unfit to perform all the duties of the grade of lieutenant commander, United States Naval Reserve Force, in time of war, the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint George A. Berry a lieutenant commander, United States Naval Reserve Force, and to place him upon the retired list with three-fourths of the pay of his grade: *Provided further*, That he shall not be entitled to any back pay or allowances by the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHARLES O. MAAS

The bill (S. 1828) to supplement the military record of Lieut. Commander Charles O. Maas was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

*Be it enacted, etc.,* That the Secretary of the Navy be authorized to supplement the military record of the late Lieut. Commander Charles O. Maas, Naval Reserve Force, to show the voluntary service performed by said Lieutenant Commander Maas, and accepted by the Navy Department subsequent to the date upon which he was placed on inactive duty, and that such acceptance may be treated as a recall to active service as of June 1, 1919: *Provided*, That no back pay or allowances of any kind shall accrue as a result of the passage of this section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MISSOURI RIVER DAM

The bill (S. 2085) to authorize the Broadwater Irrigation District, a Montana organization, to construct a dam across the Missouri River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 3, to strike out "the Government" and insert "Congress"; in line 4, to strike out "given" and insert "granted"; in line 6, after the word "construct," to insert "maintain, and operate a dam"; in line 7, before the word "point," to strike out "some" and insert "a," and after the word "point" to insert "suitable to the interests of navigation"; and in line 10, after the word "meridian," to strike out the comma and the words "a dam for irrigation purposes, in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by act approved June 23, 1910," so as to read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Broadwater Irrigation District, a Montana organization, its successors or assigns, to construct, maintain, and operate a dam across the Missouri River at a point suitable to the interests of navigation in section 6, township 4 north, range 3 east, Montana meridian, or in section 1, township 4 north, range 2 east, Montana meridian.

The amendment was agreed to.

Mr. WALSH of Montana. I will now ask that the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

#### BILL PASSED OVER

The bill (S. 1187) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

#### RELIEF OF CERTAIN INDIANS

The bill (S. 369) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1925: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law but for the grant to the railroad company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, was announced as next in order.

Mr. SMOOT. A Senator interested in the bill is not here, and I ask that it may go over.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

The bill (S. 877) to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz., was announced as next in order.

Mr. WALSH of Montana. I ask that the bill may go over.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

#### MINERALS ON INDIAN LANDS

Mr. HARRELD. Mr. President, may I inquire what became of Calendar No. 725, Senate bill 876?

The PRESIDING OFFICER. It went over under objection.

Mr. HARRELD. I wish that it might be taken up. It is a departmental bill and very important.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to return to Order of Business 725?

Mr. HARRELD. Yes; I make that request. There is a special reason for it.

Mr. SMOOT. I will withdraw my objection, but I want to know what the special reason is.

Mr. HARRELD. Secretary Fall made a ruling which embarrasses the present Secretary very much. He made a ruling that royalties or bonuses obtained from Executive order Indian lands should be deposited to the credit of the United States. That ruling has not been followed in other cases. There are acts in such cases which require royalties and bonuses so received to be deposited to the credit of the tribe. This bill would give to the Secretary of the Interior power to deposit bonuses and royalties arising from Indian lands which have been set apart by Executive order as public domain to the credit of the respective tribes as they accrue and accumulate. It is quite important to them to have that direction from Congress, and if it may be I would like to have the bill passed at this time.

Mr. SMOOT. I will withdraw my objection.



There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, which was read, as follows:

*Be it enacted, etc.,* That all moneys received under the provisions of the act of Congress approved February 25, 1920 (41 Stat. L. p. 437), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," from bonuses, rentals, and royalties in connection with unallotted lands in Indian reservations not affected by the proviso to section 3 of the act of Congress approved February 28, 1891 (26 Stat. L. p. 795), shall be deposited in the Treasury of the United States to the credit of the particular tribe of Indians for whose benefit the reservation was created and shall draw interest at the rate 4 per cent per annum. Such moneys shall be available for appropriation by Congress for the expense of administration and for the use and benefit of such Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### GEORGE E. HARPHAM

The bill (S. 1543) for the relief of George E. Harpham was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George E. Harpham, who was a sergeant of Company D, One hundred and thirty-fourth Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a sergeant of said company and regiment on the 13th day of May, 1918: *Provided*, That no back pay, pension, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOSEPH F. BECKER

The bill (S. 747) for the relief of Joseph F. Becker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the President of the United States is hereby authorized to appoint Joseph F. Becker, who, while serving as a lieutenant commander, United States Naval Reserve Force, was found by a naval retiring board to be permanently incapacitated for active service by reason of physical disability incurred in the line of duty as the result of an incident of the service, a chief boatswain on the retired list of the Navy with such retired pay as is now, or may hereafter be, allowed a commissioned warrant officer whose record has been certified as creditable after completion of 12 years' commissioned service: *Provided*, That the said Joseph F. Becker shall not be entitled to such retired pay prior to the date of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN M'NICKLE

The bill (S. 2950) to define and determine the character of the service represented by the honorable discharge issued to John McNickle, of Company L, Seventh Regiment New York Volunteer Heavy Artillery, under date of September 27, 1865, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.,* That the service of John McNickle, to whom an honorable discharge was issued at Albany, N. Y., on the 27th day of September, 1865, shall be regarded for all purposes honest and faithful: *Provided*, That no pension, bounty, pay, allowances, or other emolument shall accrue under or be predicated on this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 3408) to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. Objection is made and the bill goes over.

The bill (H. R. 7269) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. The bill goes over on objection.

The bill (H. R. 2811) to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes," was announced as next in order.

Mr. ROBINSON. This bill ought to be explained to the Senate. There appears to be no report accompanying the bill.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. Objection is heard and the bill goes over.

#### RELIEF OF HEIRS OF KO-MO-DAL-KIAH

The bill (S. 1705) for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment in line 9, to strike out "Carrier," and insert "Carrie," so as to read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 80 acres of land within the diminished Colville Reservation, in the State of Washington, to Ko-mo-dal-kiah in lieu of portions of Moses agreement allotment No. 33 embraced within the patented entries of Francis M. Fulton and Carrie French.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### INDIANS ON UMATILLA RESERVATION, OREG.

The bill (S. 994) to amend the act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 2 of the act of March 3, 1885 (23d Stats. L. p. 142), be, and the same hereby is, amended so as to authorize the Secretary of the Interior to withhold from sale or disposition, for use as tribal grazing grounds, all unentered and undisposed of lands in township 2 south, ranges 34 and 35 east of the Willamette meridian, Oregon, formerly a part of the Umatilla Reservation: *Provided*, That any settler on these lands prior to April 21, 1921, shall be permitted to acquire title to the lands covered by his settlement, not exceeding 160 acres of nontimbered lands and 40 acres of timbered lands, at not less than the appraised value thereof by making entry of the lands at the proper district land office within six months from the date of the passage of this act and by complying with the provisions of law governing other entries of Umatilla lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### OIL AND GAS LEASES, NAVAJO INDIAN RESERVATION

The bill (S. 1653) authorizing the expenditure for certain purposes of receipts from oil and gas on the Navajo Indian Reservation in Arizona and New Mexico was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That any moneys derived from bonuses on oil and gas leases, and from oil and gas royalties, on the Navajo Indian Reservation be, and they are hereby, made available for expenditure in the discretion of the Secretary of the Interior, for necessary expenses in connection with the supervision of the development and operation of the oil and gas industry on said reservation and for the support, civilization, and education of the Navajo Indians in Arizona and New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SAN JUAN RIVER BRIDGE, NEW MEXICO

The bill (S. 1665) to provide for the payment of one-half the cost of the construction of a bridge across the San Juan

River, N. Mex., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$6,620, or so much thereof as may be necessary, to defray one-half the cost of a bridge across the San Juan River near Bloomfield, N. Mex., under rules and regulations to be prescribed by the Secretary of the Interior, who shall also approve the plans and specifications for said bridge: *Provided*, That the State of New Mexico or the county of San Juan shall contribute the remainder of the cost of said bridge, the obligation of the Government hereunder to be limited to the above sum, but in no event to exceed one-half the cost of the bridge.

Mr. DIAL. I would like to ask, if the bridge crosses a public highway why it is necessary to have a special act for the purpose?

Mr. BURSUM. A bill identical with the bill now being considered passed the Senate in the last Congress, but it was not passed through the House because they were unable to reach it there. The bill is to carry out a mutual arrangement between the Indian Service and the county government in the construction of a bridge which is of mutual benefit. The Indian Service stands one-half of the expense and the county government the other half. It is recommended by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MRS. BENJAMIN GAUTHIER

The bill (S. 1897) for the relief of Mrs. Benjamin Gauthier was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to Mrs. Benjamin Gauthier, of Lac du Flambeau, with the consent of the Lac du Flambeau Indians, to be evidenced in such manner as he may require, a tract of land not exceeding 10 acres in lot 3, section 8, township 40 north of range 5 east, on the Lac du Flambeau Indian Reservation, in Wisconsin, said tract to be selected by the said Secretary and to include the land occupied by said Mrs. Benjamin Gauthier with hotel, store, warehouse, residence, summer cottages, barn, and social hall; said conveyance shall be made upon payment to the Secretary of the Interior of such sum as he shall determine to be the reasonable value of the land conveyed, exclusive of the improvements thereon. All expenses of survey and conveyance to be paid by Mrs. Gauthier.

The receipts of such sale shall be paid into the Treasury and placed to the credit of the Lac du Flambeau Band of Chippewa Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXPENDITURE OF TRIBAL FUNDS OF INDIANS

The bill (S. 2838) to provide for expenditure of tribal funds of Indians for construction, repair, and rental of agency buildings and related purposes was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That any tribal funds or Indian moneys, which are now or may hereafter be authorized by law for expenditure for support and civilization of Indians, shall, in the discretion of the Secretary of the Interior, be available also for construction, repair, and rental of agency buildings, including heating, lighting, power, water, and sewer systems in connection therewith.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TIMBER ON THE MENOMINEE RESERVATION, WIS.

The bill (S. 3036) to amend the law relating to timber operations on the Menominee Reservation in Wisconsin was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That section 2 of the act approved March 28, 1908 (35 Stat. L. p. 51), entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," be, and is hereby, amended to authorize the making of contracts with white men for any work connected with the logging and milling operations on the said reservation, to authorize the employment of white men by Indian contractors, and to exempt from the requirements of sections 3709 and 3744 of the Revised Statutes all contracts for labor or supplies necessary for the carrying on of such operations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 2977) for the relief of H. E. Kuca and V. J. Koupal was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. Under objection, the bill will go over.

The bill (H. R. 4461) to provide for the payment of certain claims against the Chippewa Indians of Minnesota was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. The bill goes over, under objection.

The bill (H. R. 7249) for the relief of Forrest J. Kramer was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

#### REFUND OF TAXES ON DISTILLED SPIRITS

The bill (S. 3072) to refund taxes paid on distilled spirits in certain cases was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Commissioner of Internal Revenue may, pursuant to the provisions of section 3220, Revised Statutes, as amended, allow the claim of any distiller for the refund of taxes paid in excess of \$2.20 per proof gallon on any distilled spirits produced and now owned by him and stored on the premises of the distillery where produced, but no refund shall be allowed unless such spirits are contained in the distiller's original packages in which they were tax paid, or in regularly stamped bottles and cases in which they were placed when bottled in bond, or in stamped or unstamped bottles into which they have been placed while on and without removal from the distillery premises.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PAYMENT TO WISCONSIN-POTTAWATOMI INDIANS

The bill (H. R. 7239) authorizing the Secretary of the Interior to pay certain funds to various Wisconsin-Pottawatomie Indians was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. The bill goes over under objection.

#### JURISDICTION OF COURT OF CLAIMS IN INDIAN CASES

The bill (S. 3346) to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 3, line 5, after the word "Interior," to insert the words "as required by existing law"; and on line 25 strike out the words "so employed by said Indian nation" and insert in lieu thereof the words "employed by the Indians as herein provided"; and on page 4, line 13, to strike out "or all persons" and insert "other tribes or bands of Indians," so as to make the bill read:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Sisseton and Wahpeton Bands of Sioux Indians, or arising under or growing out of any act of Congress in relation to Indian affairs, which said Sisseton and Wahpeton Bands of Sioux Indians may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States: *Provided, however*, That claims which were the subject of a certain suit numbered 33731 in the Court of Claims of the United States, wherein the Sisseton and Wahpeton Bands of Sioux Indians are petitioners and the United States is defendant, may be the subject of a suit de novo and shall be heard and considered de novo by the Court of Claims in the same manner and in effect the same as if said suit had never been filed or prosecuted in said court.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Sisseton and Wahpeton Bands of the Sioux Indians party plaintiff and the United States party defendant. The petition shall be verified



by the agent or attorney or attorneys employed to prosecute such claim or claims under contract with the Sisseton and Wahpeton Bands of Sioux Indians approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by an agent chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior as required by existing law. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nation, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party, as in other cases, to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys employed by the Indians as herein provided for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States, and in no event shall such amount exceed the sum of \$25,000.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribes or bands of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. H. KING

The bill (S. 2503) for the relief of W. H. King was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment in line 7 to strike out "\$425" and insert in lieu thereof "\$421.33," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. H. King, former United States marshal for the district of South Dakota, the sum of \$421.33 for reimbursement on account of the payment of a judgment rendered against him for an act done under color of his office.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA M. A. TOWER

The bill (H. R. 3504) for the relief of Cornelia M. A. Tower was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cornelia M. A. Tower, widow of Morton L. Tower, late an assistant engineer in the engineer department at large, the sum of \$3,000 out of any money in the Treasury not otherwise appropriated, as full compensation for the death of her husband, which occurred as the result of an accident and without negligence on his part while he was engaged in the performance of his duties as such assistant engineer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 3595) for the relief of Daniel F. Healy was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

The bill (H. R. 4374) for the relief of the American Surety Co. of New York was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER. Objection is heard and the bill will go over.

The bill (S. 3372) to provide safeguards for future Federal irrigation development, and an equitable adjustment of existing accounts on Federal irrigation projects, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Let the bill go over.

The PRESIDING OFFICER. Objection is heard and the bill will be passed over.

OLD OREGON TRAIL

The bill (S. 2053) to provide for designating the route of the Old Oregon Trail was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry, with amendments, on page 2, line 12, after the word "Boise," to strike out "and"; in line 13, after the word "Nampa," to insert "Parma, Payette, and Weiser"; in line 15, after the word "River," to strike out "Highway"; in line 16, after the word "River," to strike out "and"; in the same line, after the word "Portland," to insert "Astoria, and Seaside"; and in line 18, after the word "Vancouver," to insert "and Olympia," so as to make the bill read:

*Be it enacted, etc.*, That the highways extending from Kansas City, Kans., to Vancouver, Wash., through the States of Kansas, Nebraska, Wyoming, Idaho, Oregon, and Washington, and variously known as the Overland Trail, the Mormon Road, the Emigrant Road, and the Oregon Trail, and coinciding as near as may be with the system of Federal-aid highways through said States, shall hereafter be known as the Old Oregon Trail.

SEC. 2. That the road herein designated as the Old Oregon Trail shall follow, as closely as economic and topographic conditions will permit, the route traveled by the pioneers in their journeys westward to Oregon over said trail, and shall extend through Kansas City, Lawrence, Topeka, Rossville, Louisville, and Frankfort, in the State of Kansas; thence through Fairbury, Hebron, Kearney, North Platte, Ogallala, Lewellen, Bayard, and Scotts Bluff, in the State of Nebraska; thence through Torrington, Laramie, Douglas, Casper, Alcova, Muddy Gap, Eden, Rock Springs, Green River, Granger, Kemmerer, and Cokeville, in the State of Wyoming; thence through Montpelier, Soda Springs, Lava Hot Springs, Pocatello, American Falls, Marshfield, Twin Falls, Glens Ferry, Boise, Nampa, Parma, Payette, and Weiser, in the State of Idaho; thence through Ontario, Baker, La Grande, Pendleton, and Umatilla, thence along the Columbia River through The Dalles, Hood River, Portland, Astoria, and Seaside, in the State of Oregon; and thence to Vancouver and Olympia, in the State of Washington.

The amendments were agreed to.

Mr. JONES of Washington. Mr. President, I want to ask the Senator from Oregon whether or not he has heard from Uncle Ezra Meeker with reference to this bill, and if the route laid out is satisfactory to him?

Mr. McNARY. Mr. President, I will say to the Senator from Washington that I have not heard directly from Uncle Ezra, but I am sure the route is acceptable to him, as it is to all the people of the State of Washington.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 99) authorizing the President to appoint two additional circuit judges for the eighth circuit was announced as next in order.

Mr. DIAL. Let that go over.

Mr. HARRELD. Mr. President, will not the Senator withdraw his objection? This bill has been recommended by the council of judges, the Department of Justice, and everybody else. It has been delayed about a year. May I ask unanimous consent to consider it at this time?

The PRESIDING OFFICER. The Chair understands that objection was made to the consideration of the bill.

Mr. FLETCHER. Mr. President, I understand the situation to be that there are other instances where there will be judges asked for and there will be a sort of a conclusion reached as to the number of judges to be provided in various

States. I think it might be advisable to have all of them provided in one bill. I do not see why we should select this particular condition.

Mr. HARRELD. More than a year ago, when the council of judges had their annual meeting, they recommended that these judges be appointed. Recently they had another annual meeting and repeated their recommendation, saying that there was an exceedingly urgent need for these two additional judges of that court. They have recommended it twice.

Mr. FLETCHER. I shall not raise any objection.

Mr. DIAL. I think the bill had better go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

The bill (S. 2835) to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PATIENTS OF GENERAL HOSPITAL 55, FORT BAYARD, N. MEX.

The joint resolution (S. J. Res. 131) authorizing the Director of the United States Veterans' Bureau to take assignments of certain claims of officers, employees, and patients of General Hospital No. 55, Fort Bayard, N. Mex., was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Finance with amendments.

Mr. ROBINSON. Mr. President, what is the object of this joint resolution?

Mr. BURSUM. Mr. President, there are some amendments which were reported by the Finance Committee. The amendments limit the joint resolution to the patients only. At Fort Bayard there are a number of patients, veterans. These patients were possessed of certain moneys. Their moneys were deposited by the management in certain banks. Those banks are now closed. The patients had no control or say as to where their money should be deposited or the handling of it. This joint resolution seeks to provide that the Veterans' Bureau shall take charge of their affairs, take over the deposits, and collect the money. That is the object of the joint resolution. It relates only to the patients who are interned in the hospitals.

Mr. SMOOT. Mr. President, I simply want to say to the Senator that, as chairman of the Finance Committee, I have made the statement that neither the Veterans' Bureau nor any other branch of our Government should take the responsibility of saying where money belonging to any employee or any veteran shall be deposited. That ought to be left entirely in their own hands, and let them designate the bank in which they want their money to be deposited. If that were done, no such bill as this would be before us at this time.

Mr. ROBINSON. The Senator's committee reported this bill. Did it not?

Mr. SMOOT. I say we did, because of the fact that they admit that the director ordered that the money should be deposited in certain banks.

Mr. ROBINSON. I know; but I can not understand the consistency of the Senator's course in advising the Senate now that the bill is a bad one and that the policy underlying it is to be condemned, and yet his committee reported it favorably.

Mr. SMOOT. I say "hereafter."

Mr. ROBINSON. In view of the precedent that the Senate is establishing by passing the bill, the Veterans' Bureau may not respect the judgment of particular Senators.

Mr. SMOOT. That may be true. I want to say, however, that after this notice has been given—

Mr. ROBINSON. Oh, Mr. President, the Senator's statement on the floor of the Senate does not constitute notice to a department. The Senator should report a bill to the Senate. I suggest that the bill go over for the present and that the Senator or some other member of his committee propose a proviso to the bill that hereafter the bureau shall not have authority to determine matters of this sort.

Mr. SMOOT. I was only going to give my view, I will say to the Senator, not because it would stand as against any of the departments, but because I wished to announce that hereafter I shall not support any such bill as this and will not agree to it.

Mr. ROBINSON. Why should not the bill carry an amendment?

Mr. SMOOT. I am perfectly willing that it shall go over and carry that amendment. I do not say this simply with regard to the Veterans' Bureau; I say it with regard to all departments of our Government.

The PRESIDING OFFICER. The Chair understands the Senator from Arkansas to object.

Mr. ROBINSON. I do not.

The PRESIDING OFFICER. Then the Secretary will state the amendments proposed by the committee.

The amendments were, on page 1, line 5, after the word "from," to strike out "officers, employees, and"; in line 7, after the word "such," to strike out "officers, employees, and"; and in line 10, after the word "such," to strike out "officers, employees, and," so as to make the joint resolution read:

*Resolved, etc., That the Director of the United States Veterans' Bureau is authorized (1) to take assignments, on behalf of the United States, from patients of General Hospital No. 55, Fort Bayard, N. Mex., of any and all claims on account of deposits of moneys of such patients, with the Silver City National Bank and the American National Bank, of Silver City, N. Mex., and (2) to pay to such patients the full amounts of such claims. There is hereby authorized to be appropriated such sums as may be necessary to enable the director to pay the amount of any claims assigned to him under the provisions of this resolution.*

SEC. 2. That the director is authorized to enforce on behalf of the United States any claim assigned to him under the provisions of this resolution. All moneys received by the director on account of any such claims shall be covered into the Treasury of the United States as miscellaneous receipts.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Director of the United States Veterans' Bureau to take assignments of certain claims of patients of General Hospital No. 55, Fort Bayard, N. Mex."

#### RESOLUTION PASSED OVER

The resolution (S. Res. 223) authorizing the appointment of a special committee to investigate the Federal farm loan system and the Federal Farm Loan Board was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

#### ELLA H. SMITH

The bill (S. 1885) for the relief of Ella H. Smith was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of \$3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.*

The amendment was agreed to.

Mr. BRUCE. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

#### J. E. SAUCIER

The bill (S. 2534) for the relief of J. E. Saucier was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to J. E. Saucier, out of any money in the Treasury not otherwise appropriated, the sum of \$288, in full satisfaction of all claims against the United States on account of expenditures made by him for services and materials during the period from July 1, 1918, to July 1, 1921, in connection with the discharge of his duties as postmaster at Bay St. Louis, Miss.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LESLIE WARNICK BRENNAN

The bill (S. 2552) for the relief of Leslie Warnick Brennan was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.



Mr. BRUCE. Mr. President, I hope—though I suspect it is a vain hope—that the Senator will withdraw his objection.

Mr. DIAL. I withdraw it for the present. The bill seems to involve a pretty large amount.

Mr. BRUCE. But the amount, after all, is only an amount that was actually expended for the purpose mentioned in the bill.

This bill appropriates the sum of \$16,419.97 for the reimbursement of Leslie W. Brennan, of Utica, N. Y., for that amount expended by him in taking and distributing motion pictures used by the War Department in instructing troops during the World War. He was the originator of this idea, it seems to be conceded.

The papers in the case show that Major General Bell and General Kennon actually used the pictures and in an official report, made at the request of the War College to The Adjutant General of the United States, reported that they were a great help to them; that Assistant Secretary F. P. Keppel, who is familiar with Brennan's work, wrote the Judge Advocate General that in his opinion a quasi-contract relationship existed between Brennan and the United States Government, and that the Government would properly repay Brennan for his work; that after examining the documents, and so forth, in 1920, Assistant Secretary Crowell wrote to Senator JAMES W. WADSWORTH, of New York, a letter in which he recognizes that the Army had received a benefit from the pictures; and after the acknowledgment of the results accomplished by the pictures, and after the examination of the documents, and so forth, the acting adjutant general of New York State wrote to Senator JAMES WADSWORTH on November 1, 1923, that his department had put the stamp of approval on Brennan's work and expressed an earnest desire that the matter receive the consideration of the Senator.

There was no positive contract in this case between the Government and Brennan; but the Government received the full benefit of his idea and the full benefit of this amount of money, \$16,419.97, which was actually expended by him in taking and in distributing these pictures. The closest kind of consideration was given to this matter by the Committee on Military Affairs. I regret that the Senator from New York [Mr. WADSWORTH] is not here, because he is even more familiar than I am with all the circumstances of this case and fully approves the object of this bill. It seemed to us that the claim was an entirely meritorious one; and the Senate will observe, as I have already said, that the man asks only to be reimbursed for actual outlays made by him which he brought specifically to the attention of the committee. In my judgment the bill ought to receive the approval of the Senate.

Mr. DIAL. I shall have to ask that it go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

#### BILLS PASSED OVER

The bill (H. R. 3411) for the relief of Mrs. John P. Hopkins was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4290) for the relief of W. F. Payne was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### EDWARD S. SCHEIBE

The bill (H. R. 4318) for the relief of Edward S. Scheibe was announced as next in order.

Mr. DIAL. Let that go over.

Mr. SHIPSTEAD. Mr. President, I hope the Senator will withdraw his objection. I should like to explain this bill. It will not require any appropriation from the Treasury. It is a bill that was recommended to Congress by the department in 1920. The Post Office Department charged up a debit against a man who was postmaster at Cloquet, Minn., in 1918, when the forest fires in that section of the State burned the entire town of Cloquet and also the post office and destroyed all of the stamps and other property in the post office.

Mr. ROBINSON. Mr. President, as I understand, the evidence shows that the stamps were destroyed by the fire. The postmaster was in no way morally responsible for the loss. It was an incident in the nature of a disaster that caused the loss. I think the bill ought to pass.

Mr. FLETCHER. It grows out of a forest fire in that region which destroyed the whole town of Cloquet and the timber for miles around.

Mr. ROBINSON. Yes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 8893) for the relief of Juana F. Gamboa was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 386) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. DIAL. Mr. President—

Mr. RANSDELL. Let that bill go over.

Mr. DIAL. I did not see the Senator from Louisiana here. He asked me to let it go over if he was not here, and I promised to do so.

Mr. RANSDELL. I thank the Senator very much.

Mr. DIAL. I want to state that those two bills have been pending here for some time. The first bill, Order of Business 771, Senate bill 386, was referred to the Agricultural Committee some time ago. We had hearings on it for a long time, and we could not agree about it. At the last session of the Senate I moved to discharge that committee and put it on the calendar, and this whole question was referred to the Federal Trade Commission for investigation. That commission, after working on it for two years, unanimously reported in favor of the principle of the bill. The principle of this bill was sustained by the Manufacturers' Record, of Baltimore, and by a number of the most important papers of the South, such as the Atlanta Constitution, the Birmingham Age-Herald, the Columbia State, and other papers. I hope to call up this bill at an early date and endeavor to get a vote on it. I promised, however, to let it go over to-day.

Mr. RANSDELL. Mr. President, I do not want to make a speech. My friend the Senator from South Carolina has made a little speech in favor of his bill, and I simply want to state to the Senate that I can not agree to the correctness of any of the statements that he has made about these different parties, and at the proper time we will discuss it fully; but I object now to any consideration of the bill.

The PRESIDING OFFICER. The Senator from Louisiana objects, and the bill will be passed over.

The bill (S. 3197) to amend section 5 of the United States cotton futures act to enable the buyer of a cotton-futures contract to demand actual delivery in fulfillment thereof prior to the close of the delivery month was announced as next in order.

Mr. RANSDELL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### JUDICIAL DISTRICT OF INDIANA

The bill (H. R. 62) to create two judicial districts within the State of Indiana, the establishment of judicial divisions therein, and for other purposes, was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. WATSON. Mr. President, I wonder if the Senator has studied the situation?

Mr. DIAL. No, I have not; but I thought the bill should go over so that it would come up later, and we could amend it so as to take in some situations in our State.

Mr. WATSON. I do not understand that an omnibus bill which would cover such a situation is pending. The situation in my State is such that there is almost a denial of justice to many litigants, not that the present judge is not eminently efficient, but that with a population of over 3,000,000, and with a vast industrial development, Indiana has never had more than one judicial district and one judge.

I see my friend the Senator from Florida [Mr. FLETCHER] smiling at me, and I was afraid he was about to object, so I looked up the figures, and I found that Florida, with a population of 968,000, has two districts and three judges. My friend the Senator from Arkansas [Mr. ROBINSON], who very kindly refrained from objecting, has two districts and two judges in his State. My friend just across the aisle the Senator from Montana [Mr. WALSH] has one district and two judges in his State, and so on down the line.

Mr. DIAL. I think you ought to have another one.

Mr. WATSON. I thank the Senator. This bill is somewhat long, Mr. President, and as I know there are many Senators who want to reach their bills on the calendar, if it be at all within the proprieties, I ask that the bill be considered as having been read, unless Senators want to hear it read.

Mr. FLETCHER. I call the Senator's attention to the fact that the bill as reported would strike out the language of the bill which passed the House, and insert new language, providing that the State of Indiana should constitute one judicial district.

Mr. WATSON. The bill as it passed the House provided that two districts should be established in Indiana instead of one. After a full hearing, and with the consent of the junior Senator from Indiana and myself, the Senate committee changed it so as to provide for one district with two judges. That met with our approval. This bill largely allocates or distributes the counties of the State into two divisions, and that is the reason why I thought it was not necessary to read it.

Mr. DIAL. I think the Senator has made out his case, and I think we ought to let the bill pass.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That the State of Indiana shall constitute one judicial district to be known as the district of Indiana. For the purpose of holding terms of court the district shall be divided into seven divisions constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Boone, Clinton, Delaware, Fayette, Franklin, Hamilton, Hancock, Hendricks, Henry, Johnson, Madison, Marion, Monroe, Morgan, Putnam, Randolph, Rush, Shelby, Tipton, Union, Tippecanoe, Warren, and Wayne; the Fort Wayne division, which shall include the territory embraced within the counties of Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Noble, Steuben, Wells, and Whitley; the South Bend division, which shall include the territory embraced within the counties of Cass, Elkhart, Fulton, Howard, Kosciusko, Laporte, Marshall, Miami, Pulaski, St. Joseph, Starke, and Wabash; the Hammond division, which shall include the territory embraced within the counties of Benton, Carroll, Jasper, Lake, Porter, Newton, and White; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Fountain, Greene, Knox, Montgomery, Owen, Parke, Sullivan, Vermillion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Crawford, Daviess, Dubois, Gibson, Lawrence, Martin, Orange, Perry, Pike, Posey, Spencer, Vanderburg, and Warrick; the New Albany division, which shall include the territory embraced within the counties of Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, and Washington.

Sec. 2. Terms of the district court for the Indianapolis division shall be held at Indianapolis on the first Mondays of May and November of each year; for the Fort Wayne division, at Fort Wayne on the first Mondays of June and December of each year; for the South Bend division, at South Bend on the second Mondays of June and December of each year; for the Hammond division, at Hammond on the first Mondays of January and July of each year; for the Terre Haute division, at Terre Haute on the first Mondays of April and October of each year; for the Evansville division, at Evansville on the second Mondays in April and October of each year; for the New Albany division, at New Albany on the third Mondays of April and October of each year. When the time fixed as above for the sitting of the court shall fall on a legal holiday, the term shall begin as of the following day. Terms of the district court shall not be limited to any particular number of days, nor shall it be necessary for any term to adjourn by reason of the intervention of a term of court elsewhere; but the term about to commence in another division may be postponed or adjourned over until the business of the court in session is concluded.

Sec. 3. That the President of the United States be, and is hereby, authorized and directed by and with the advice and consent of the Senate to appoint an additional district judge for the district of Indiana, who shall reside in said district, and whose term of office, compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

Sec. 4. The clerk of the court for the district shall maintain an office in charge of himself or a deputy at Indianapolis, Fort Wayne, South Bend, Hammond, Terre Haute, Evansville, and New Albany. Such offices shall be kept open at all times for the transaction of the business of the court.

Sec. 5. That all civil suits and proceedings not of a local character which shall hereafter be brought in said district against a single defendant, or where all the defendants reside in the same division in said district, shall be brought and tried in the division in which the defendant or defendants reside, but if there are two or more defendants residing in different divisions such suit or proceeding may be brought and tried in either division.

Sec. 6. That in all cases of removal of suits and proceedings from the courts of the State of Indiana to the court of the United States in said district such removal shall be to the United States court in the division in which the county is situated from which the removal is made.

Sec. 7. That prosecution for crimes or offenses hereafter committed in said district shall be tried within the division in which said crimes or offenses are committed.

Sec. 8. That in all civil suits and proceedings and all prosecutions for crimes and offenses now pending in, or that have heretofore been tried or determined in, the circuit or district court of said district which would, in cases which if instituted after the passage of this act, be required to be brought or tried in any particular division thereof, such suits, proceedings, prosecutions, and all motions and petitions relating thereto shall be filed in or transferred to the division in which such suits, proceedings, and prosecutions would have been brought or filed after the passage of this act, and there disposed of in the same manner and with like effect as if the suit, proceeding, or prosecution had been originally there instituted; and all process, writs, and recognizances relating to such suits and proceedings, and all prosecutions for crimes and offenses so transferred shall be considered as belonging to the terms of the court in which they are tried in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

Sec. 9. That either party in a civil or criminal proceeding may apply to the court for a change of venue from the division where a suit or proceeding has been instituted to an adjoining division and the court in its discretion may grant such a change.

Mr. WATSON. Mr. President, I want to offer some amendments, changing some of the counties from one division to another.

The PRESIDING OFFICER. The Senator from Indiana offers certain amendments to the amendment, which the Secretary will report.

The READING CLERK. On page 7, line 23, strike out the words "counties of Boone, Clinton, Delaware" and in lieu thereof to insert the words "counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware."

Mr. ROBINSON. May I inquire of the Senator proposing this amendment whether the same has been considered by the Judiciary Committee of the Senate?

Mr. WATSON. Oh, no; for the reason that the bill provides that certain counties shall be placed in certain divisions; but after the committee had reported the bill I talked to two or three of the Senators and suggested certain changes to them.

Mr. ROBINSON. Does the junior Senator from Indiana [Mr. RALSTON] agree that the amendment would effectuate the convenience of possible litigants?

Mr. RALSTON. Yes; I agree to that.

Mr. WATSON. The junior Senator from Indiana and I agree on most things, I may say, except in campaign times.

Mr. ROBINSON. I am glad to have the Senator say so.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment to the amendment.

The READING CLERK. On page 7, line 24, after the word "Henry," to insert the word "Howard"; on page 7, line 25, after the word "Monroe," to insert the word "Montgomery" and to strike out the word "Putnam"; on page 8, lines 1 and 2, to strike out the words "Tippecanoe, Warren"; on line 7, to strike out the word "Howard"; on line 11, after the word "Newton," to insert the words "Tippecanoe, Warren"; on line 13, to strike out the word "Fountain"; on line 14, to strike out the word "Montgomery," and after the word "Parke," to insert the word "Putnam"; on lines 16 and 17, to strike out the words "Crawford," "Lawrence," and "Orange"; on line 20, to strike out the words "Bartholomew, Brown"; on line 21, after the word "Clark," to insert the word "Crawford," and to strike out the word "Decatur"; on line 22, after the word "Jennings," to insert the word "Lawrence"; and after the word "Ohio," to insert the word "Orange"; on page 10, line 22, strike out the period and insert a colon in lieu thereof and the following proviso:

Provided, That the judge of said division may, in his discretion, cause a jury to be summoned in any criminal case from said division or from any division adjoining the one in which said case is to be tried.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the appointment of an additional district judge in and for the district of Indiana and to establish judicial divisions therein, and for other purposes."



J. W. COOK

The bill (H. R. 3046) for the relief of J. W. Cook was announced as next in order.

Mr. FLETCHER. Let the bill go over.

Mr. WALSH of Montana. Mr. President, I trust a brief statement of that matter will induce the objector to withdraw his objection.

This man, Mr. Cook, had a contract to carry the mail from the station in the city of Billings to the post office, and during the war he had to be escorted by United States troops, and being thus escorted one day a firearm in the hands of one of the escort was accidentally discharged and a bullet hit him in the foot, entirely destroying the use of his foot, which had to be amputated, according to my recollection. He has been in very poor health ever since, and I think that justice has been too long delayed. I hope the objection will be withdrawn. The Committee on Claims thought it was a meritorious case.

Mr. FLETCHER. In view of the Senator's statement, I withdraw the objection.

The bill was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500 to J. W. Cook in full compensation for injuries sustained and for reimbursement of expenses incurred as a result of being accidentally shot on December 30, 1921, while employed at Billings, Mont., as a contract mail carrier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED W. STICKNEY AND H. A. REYNOLDS

The bill (H. R. 3505) for the relief of Fred W. Stickney and H. A. Reynolds was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Fred W. Stickney and H. A. Reynolds the sum of \$197.50, out of any money in the Treasury not otherwise appropriated, as compensation for the construction of 214 rods of fence on the division line between the lands of said Fred W. Stickney and H. A. Reynolds and lands owned by the United States and occupied by the Indians in Sherwood Valley, Calif., the said amount being one-half of the cost of said fence.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. KESSEL CO. (INC.)

The bill (H. R. 1082) for the relief of Henry A. Kessel Co. (Inc.) was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claim of Henry A. Kessel Co. (Inc.), a corporation, as owner of the motor launch *Gled*, against the United States of America, as owner of the Army transport barge No. 842, for damages alleged to have been occasioned said Henry A. Kessel Co. (Inc.) as a result of a collision between its launch *Gled* and said Army transport barge No. 842 at the Army Engineers' Piers, Norfolk, Va., in the Elizabeth River, on April 11, 1919, may be litigated and determined in the District Court of the United States for the Eastern District of Virginia at Norfolk, sitting as a court of admiralty and acting under the rules governing such a court; and said court shall have jurisdiction to hear and determine said litigation and to enter a judgment for such damages and costs, if any, as it shall find to be due from the United States of America to Henry A. Kessel Co. (Inc.) or from Henry A. Kessel Co. (Inc.) to the United States of America, ascertained upon the principles and measures of liability applicable in like cases in admiralty between private persons or corporations; and Henry A. Kessel Co. (Inc.) and the United States of America shall have all rights of appeal as in a similar case between private persons or corporations: *Provided*, That notice of any suit brought by Henry A. Kessel Co. (Inc.) by virtue hereof shall be given to the Attorney General of the United States in the manner provided by any order entered by the District Court of the United States for the Eastern District of Virginia, at Norfolk, in said cause, and it shall be the duty of the Attorney General of the United States to cause the United States attorney for the eastern district of Virginia, at Norfolk, to appear on behalf of the United States and protect and defend its interests: *Provided further*, That the proceeding hereby authorized shall be begun within four months from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH P. RYAN

The bill (H. R. 1333) for the relief of Joseph P. Ryan was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph P. Ryan the sum of \$1,600 for medical expenses in connection with injuries sustained while in line of duty as searcher in the United States customs intelligence bureau, port of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. MCGEE

The bill (H. R. 2005) for the relief of William J. McGee was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury and the Comptroller General of the United States, be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of \$514.95, now carried in the accounts of the office of the Assistant Treasurer of the United States at San Francisco, Calif., and representing a balance due to the United States from William J. McGee, former Assistant Treasurer of the United States, when the subtreasury at San Francisco was discontinued December 20, 1920, due to a loss in current and uncurrent silver dollars amounting to \$454.95, and a further loss of \$60, due to the payment of a disbursing officer's check on a forged indorsement, these losses having occurred through no fault or negligence on the part of the said Assistant Treasurer; and for this purpose the sum of \$514.95 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. FARRELL

The bill (H. R. 2745) for the relief of J. M. Farrell was announced as next in order.

Mr. ROBINSON. Mr. President, the statement in the face of the bill does not justify the relief the bill seeks to give. I do not know what the facts are, but unless some Senator is prepared to present them, I shall ask that the bill go over.

The PRESIDING OFFICER. The bill goes over, under objection.

MRS. E. L. GUESS

The bill (H. R. 2989) for the relief of Mrs. E. L. Guess was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$100 to Mrs. E. L. Guess, in full compensation for injuries received by her at Memphis, Tenn., on December 21, 1920, by reason of the negligence of an employee of the United States Government driving a truck owned by the United States Government and operating in the parcel post of the Post Office Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JIM HENNESSEE

The bill (H. R. 8343) for the relief of Jim Hennessee was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jim Hennessee, of Chattanooga, Tenn., the sum of \$55. Such sum is the amount of a money order issued to the said Jim Hennessee at Palmer, Tenn., June 8, 1921, No. 5397, and payable to George Hennessee, at Spokane, Wash., which was unlawfully collected by a person other than the payee. The Secretary of the Treasury is directed to deduct from such sum any payment to the said Jim Hennessee in respect to such money order.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WALTER A. RICH

The bill (S. 2139) for the relief of Bertha N. Rich Reisinger was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Walter A. Rich, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in full settlement against the Government as compensation for the death of said Walter A. Rich, who was killed by the accidental discharge of a machine gun at the Interstate Fair at Trenton, N. J., October 2, 1920.

Mr. ROBINSON. I think a statement should be made to the Senate explaining the bill. Of course, opportunity is not afforded to read the report, which appears to be quite lengthy.

Mr. EDGE. Mr. President, if I may, for the Senator's information I will state that this claim has been cut down from \$15,000 to \$5,000. The claim arises out of an accident due to the explosion of a machine gun, which killed a man in no way connected with the service of the United States. It has the approval of the War Department, as the Senator will see, as a result of the findings of a court-martial that tried the soldier who was supposed to be guilty. I feel that the relief is in every way justified.

Mr. ROBINSON. I recall that a year or two ago there were pending before the Committee on Claims of the Senate two bills for the relief of certain persons who while training, I think, were injured on account of the use of defective rifles at target practice at what was formerly Camp Pike. The War Department, as I remember, admitted that the rifles were defective, but the defects were not such that the department knew of them or could be advised of them. The department reported those bills adversely. Can the Senator state whether any action has been taken by the Committee on Claims on those bills? I believe that at least one of these bills was reported by the committee, that for the relief of Young Belding, and that it passed the Senate.

Mr. EDGE. I am not a member of the Committee on Claims; but this bill was reported by the Senator from Oklahoma [Mr. HARREL], who is not in the Chamber.

Mr. ROBINSON. I shall not object to the consideration of the bill now pending, because I think that in all such cases relief should be granted. Here, for instance, is a young man who was practically compelled to perform military service in time of peace. Through no fault or carelessness of his own he was permanently injured, and to say that there is no moral liability on the part of his Government is, in my judgment, wrong, unfair, and oppressive.

Mr. EDGE. I certainly concur with the view expressed by the Senator from Arkansas. Here is an innocent bystander, who is interested in watching the operations of a Government force handling a machine gun, and in the midst of their maneuvers the gun is accidentally or in some way discharged and he is killed and his widow left at the time, as I recall the circumstances, absolutely penniless. The War Department holds a regular court-martial, the finding of which is covered in the report which I have in my hand, and while they did not hold any soldier guilty they did advise that the estate of the deceased should be given proper compensation on account of this fatal accident. The amount has been cut down from \$15,000, as originally reported two or three years ago, to \$5,000, because in the meantime the widow has remarried. There is a unanimous report of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estate of Walter A. Rich, deceased."

POSTAGE STAMP IN MEMORY OF THE NORWEGIAN CRUISER  
"RESTAURATIONEN"

The joint resolution (S. J. Res. 133) authorizing and requesting the Postmaster General to design and issue a special postage stamp to commemorate the arrival in New York on October 9, 1825, of the sloop *Restaurationen*, bearing the first shipload of immigrants to the United States from Norway, and in recognition of the Norse-American centennial celebration in 1925, was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.*, That the Postmaster General is authorized, and he is hereby requested, to design and issue a special postage stamp of the denomination of 2 cents in commemoration of the arrival in New York on October 9, 1825, of the sloop *Restaurationen*, bearing the first shipload of immigrants to the United States from Norway, and in recognition of the Norse-American centennial celebration in June, 1925.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Post Offices and Post Roads reported an amendment to the preamble, to strike out "Minneapolis, Minn.," and insert "the Minnesota State Fair Grounds," so as to make the preamble read:

Whereas the sloop *Restaurationen*—the *Mayflower* of the Norsemen—on July 4, 1825, sailed out of Stavanger Harbor, Norway, with 52 emigrants on board; and

Whereas this vessel, after a perilous and romantic voyage through the British Channel and by the way of the island of Madeira, reached the port of New York on October 9, 1825; and

Whereas there are now approximately 2,000,000 descendants of the Norsemen in the United States, who have been an important factor in developing large sections of our country and in otherwise contributing to the moral and material welfare of our Nation; and

Whereas the coming of the sloop *Restaurationen* with her human cargo to our shores is to be commemorated by a centennial celebration at the Minnesota State Fair Grounds, in June, 1925, which centennial is also to be observed by descendants of the Norsemen throughout the United States: Therefore be it

The amendment to the preamble was agreed to.  
The preamble as amended was agreed to.

MARY T. METCALFE

The bill (S. 3370) for the relief of Mary T. Metcalfe was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to issue patent to Mary T. Metcalfe (homestead entry, Las Cruces 08883) for the southeast quarter of section 15, township 23 south, range 9 west, New Mexico principal meridian, in the Las Cruces land district, New Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CODIFICATION OF LAWS.

The joint resolution (S. J. Res. 141) providing for the appointment of a commission to consolidate, codify and revise, and reenact the general and permanent laws of the United States in force December 2, 1923, was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

REORGANIZATION OF EXECUTIVE BRANCH OF THE GOVERNMENT

The bill (S. 3445) to provide for the reorganization and more effective coordination of the executive branch of the Government, to create the department of education and relief, and for other purposes, was announced as next in order.

Mr. SMOOT. I shall ask that the bill go over to-day, because it would be impossible to pass it, but I desire to state that I have received a letter from the White House to-day asking that this bill be taken up at an early date and passed, so that it may become a law at the present session of Congress. I hope to bring it before the Senate at the very earliest date possible.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

FRED E. JONES DREDGING CO.

The bill (H. R. 1078) for the relief of the Fred E. Jones Dredging Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$13,457.64, in full settlement against the Government, to the Fred E. Jones Dredging Co., of Norfolk, Va., for damages arising from the sinking of its dredge No. 3 by the U. S. Army transport *Northern Pacific*, in the Elizabeth River, Norfolk, Va., on the 25th day of September, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. JESSOP AND SONS

The bill (H. R. 2335) for the relief of J. Jessop and sons was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay to J. Jessop and sons, out of any money in the Treasury not otherwise appropriated, the sum of \$750, in full payment for damage to lands owned by said J. Jessop and sons inflicted thereon by the Government while using said lands in connection with an Army training camp at Camp Kearney, Calif.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STANDARD OIL CO. AT SAVANNAH, GA.

The bill (H. R. 2373) for the relief of the Standard Oil Co. at Savannah, Ga., was considered as in Committee of the Whole and was read, as follows:



*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$839 to the Standard Oil Co. at Savannah, Ga., being the amount due said company for damages made by the U. S. dredge *Cumberland* on the riverside wharf of the company.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 6498) for the relief of May Adelaide Sharp was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under the objection of the Senator from Utah.

The bill (H. R. 6328) for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither was announced as next in order.

Mr. FLETCHER. I think the bill had better go over. I do not quite understand it.

The PRESIDING OFFICER. The Senator from Florida objects, and the bill will go over.

The bill (H. R. 5448) for the relief of Clifford W. Seibel and Frank A. Vestal was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

The bill (H. R. 5774) for the relief of Beatrice J. Kettlewell was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

#### BERTRAM GARDNER

The bill (H. R. 7194) for the relief of Bertram Gardner, former collector of internal revenue for the first district of New York, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of Bertram Gardner, former collector of internal revenue for the first district of New York, by reason of shortage of 1,628 distilled-spirit export stamps, each stamp valued at 10 cents, a total of \$162.80, which stamps were destroyed by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ALICE M. DURKEE

The bill (S. 52) for the relief of Alice M. Durkee was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "\$5,000" and insert in lieu thereof "\$2,000," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice M. Durkee, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full settlement for injuries received by being struck by a United States mail truck in the city of Boston April 29, 1921.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### YVONNE THERRIEN

The bill (S. 54) for the relief of Yvonne Therrien was announced as next in order.

Mr. ROBINSON. Let the bill go over.

Mr. HARRELD. This is a companion bill to the one just passed.

Mr. ROBINSON. A bill was presented for \$2,500. The committee saw fit to reduce the amount to \$300. Let the bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

#### WYNONA A. DIXON

The bill (S. 594) for the relief of Wynona A. Dixon was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. SHEPPARD. Let me say to the Senator from Utah that this is an appropriation to pay for claimant's interest in a certain number of bales of cotton that were taken by the Federal forces and used for fortifications in Louisiana during the Civil War. The claimant was loyal to the United States. I under-

stand it was customary for the Federal forces to pay for property commandeered and used for military purposes.

Mr. SMOOT. There were 300 bales of cotton; but there were also 3,000 bushels of sweet potatoes, 3,000 bushels of corn, 10 barrels of sugar, 10 barrels of molasses, 2 barrels of sirup, 30 mules, 5 brood mares, horses and carriages, 40 fattening hogs, 100 range hogs, 50 milch cows, 100 dry cows, 40 beeves, and a long list of other stock. It is one of those old Civil War claims.

Mr. SHEPPARD. The Senator is reading from the claimant's petition. The Court of Claims found that the cotton which was taken and used in fortification constituted the overwhelming bulk of the property seized. The Senator will find the findings of the Court of Claims on the next page.

Mr. SMOOT. Let the bill go over to-day.

Mr. SHEPPARD. I think after the Senator looks into it he will favor the passage of the bill. Let me read just this item, if the Senator will permit, as to the claimant:

She was in frequent communication with the Federal troops and, by her acts and the open expression of her sympathies, made herself extremely unpopular outside of the Federal lines. After the death of the petitioner's mother the Federal officers, knowing of her loyalty to the Union, protected the orphan girl, the petitioner, and sent her to New Orleans, where she was placed in the care of her brother-in-law, Dr. Madison Marsh, who was loyal to the Union and a refugee from Port Hudson, La.

I ask the Senator to look carefully into the bill.

The PRESIDING OFFICER. The Senator from Utah objects, and the bill goes over under objection.

#### ROOSEVELT MEMORIAL ASSOCIATION

The joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt was considered as in Committee of the Whole and was read, as follows:

Whereas the Roosevelt Memorial Association, a corporation of the District of Columbia, has petitioned the Congress in relation to the proposal of the association to erect an enduring monument to the memory of Theodore Roosevelt in the city of Washington: Therefore be it

*Resolved, etc.,* That permission is hereby given to the Roosevelt Memorial Association to procure at its own expense plans and designs for the erection of a permanent memorial to Theodore Roosevelt upon a site within the following-described area: That portion of the territory included in the Park Commission plan of 1901 lying in general between the Washington Monument and the Potomac River and bounded by Fifteenth and Seventeenth Streets projected southward, including the waters of Twining Lake.

SEC. 2. That the plan and design procured or selected by the Roosevelt Memorial Association shall take into account the requirements of traffic circulation and of recreational facilities and shall be submitted to the Congress before the 1st day of January, 1925.

SEC. 3. That no authority to proceed with the execution of such plan or with the erection of the memorial shall be deemed to be conferred upon the Roosevelt Memorial Association unless or until the plan and design shall first have been approved by the Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

#### LEBANON NATIONAL BANK

The bill (H. R. 3748) for the relief of Lebanon National Bank was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the Lebanon National Bank, Lebanon, Tenn., the coupon No. 9, matured April 15, 1923, in the amount of \$2.12, from permanent coupon bond No. E-03144745 in the denomination of \$100 of the fourth Liberty loan 4½ per cent bonds of 1923-1938, and the following coupons from 4½ per cent Treasury notes, Series C-1925, issued December 15, 1922, maturing June 15, 1925, payable to bearer; coupons No. 1, maturing June 15, 1923, in the amount of \$112.50 each, from notes Nos. 7650 and 7651 in the denomination of \$5,000 each; coupons No. 1, maturing June 15, 1923, in the amount of \$22.50 each from notes Nos. 41206, 41207, 41208, 41209, 41210, 41211, 41212, 41213, 42357, 42358, 42359, and 42360 in the denomination of \$1,000 each; and the coupon No. 1, matured June 15, 1923, in the amount of \$11.25, from note No. 12445 in the denomination of \$500; such redemption to be made without presentation of the said coupons, which have been destroyed: *Provided*, That the said coupons shall not have been previously presented for payment: *Provided further*, That the said Lebanon National

Bank shall first file in the Treasury Department a bond in the penal sum of double the amount of said coupons, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the coupons herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHAMBER OF COMMERCE OF NORTHAMPTON, MASS.

The bill (H. R. 4280) for the relief of the chamber of commerce of the city of Northampton, Mass., was announced as next in order.

Mr. FLETCHER. Let the bill go over.

The PRESIDING OFFICER (Mr. Fess in the chair). Objection is made, and the bill will be passed over.

#### PHILIP T. POST

The bill (S. 2033) for the relief of Philip T. Post was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. BRUCE. I trust the Senator from South Carolina will not press his objection. The bill is for a very small amount, only \$383.63, for stenographic services rendered by Mr. Post in connection with proceedings for one of the judge advocate generals, and rendered outside of his office hours and during periods of holidays. He rendered service to one judge advocate and then was employed by others subsequently, and rendered them services.

Later on there was a proclamation approved by the Secretary of War and issued by The Adjutant General in regard to Army field clerks which specifically stated that Army field clerks could legally be appointed and paid for services as court-martial reporters. Subsequently an objection was made by one of the subordinates to the payment of the bill on the ground that Mr. Post was in the service and was a field clerk, and that it would be paying him double compensation to allow him the amount of the bill. His services were rendered outside of his office hours and during holidays, and his right to receive compensation under the statute was approved by the high Government authorities to whom I have referred.

Mr. DIAL. Does the committee approve it?

Mr. BRUCE. It is favorably reported from the Committee on Claims.

Mr. SMOOT. If the Senator from South Carolina is not going to object, I shall object to its consideration.

Mr. BRUCE. There is nothing more to be said about it then.

The PRESIDING OFFICER. The bill goes over on objection of the Senator from Utah.

#### ROBERT G. HILTON

The bill (H. R. 2656) to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States, was announced as next in order.

Mr. HOWELL. Mr. President, I do not fully understand the reason for making this allotment.

Mr. BRUCE. I shall be glad if the Senator from Nebraska will allow me to explain it. Mr. Robert G. Hilton, who is a bank officer connected with one of the substantial banks of Maryland, a citizen of the very highest standing, as I can speak from my own personal knowledge, for character and capacity, was an assistant treasurer of the United States at Baltimore. The subtreasury in Baltimore was discontinued on January 14, 1921. The money in store at the subtreasury was moved elsewhere. When the accounts of Mr. Hilton were checked up in connection with the removal it was found that he was some \$32,000 short. No one ever has pretended that he was guilty of any defalcation or of any form of neglect or improvidence in connection with the removal of the money from the subtreasury or in any other respect.

After a careful review of the circumstances, under date of February 18, 1924, Mr. Mellon, Secretary of the Treasury, said: "I have no objection to the proposed relief." That is the conclusion reached by the Secretary of the Treasury after he had made a careful review of all the circumstances surrounding the loss of this sum of money. It was doubtless abstracted by some one when it was in process of removal from the subtreasury to the other depository to which it was carried.

There has never been the slightest intimation or slightest suspicion that Mr. Hilton, who, as I said, is a gentleman of the very highest standing for integrity and intelligence and everything else that honors a man, was guilty of any misconduct or even of any neglect or improvidence in connection with the loss sustained by the Government. It seems to me that when the Secretary of the Treasury himself, after calling attention to

the fact that in such cases officials like Mr. Hilton have not been held responsible, says he has no objection to the passage of the bill, that the Senator from Nebraska should have no objection.

Mr. FLETCHER. He had no direct contact with the money at all?

Mr. BRUCE. None at all.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. HOWELL. I dislike to object to the passage of a bill of this character. However, it seems to me that there ought to be a better explanation of the loss of the money. If money is intrusted to a public official and it is removed under his direction, and he can not account for some \$32,000, and there is no explanation as to how and where the money went or when it went, are we simply to hold that the Government shall assume the responsibility?

The PRESIDING OFFICER. Does the Senator from Nebraska object to the consideration of the bill?

Mr. HOWELL. I object.

The PRESIDING OFFICER. The bill will go over under the rule.

#### BILLS PASSED OVER

The bill (H. R. 1539) for the relief of Caleb Aber was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 21) to amend the patent and trade-mark laws, and for other purposes, was announced as next in order.

Mr. SMOOT. I will ask that the bill go over to-day. I have received letters about it.

The PRESIDING OFFICER. The bill will be passed over.

#### UNITED STATES INDUSTRIAL REFORMATORY

The bill (H. R. 2869) for the establishment of a United States industrial reformatory was announced as next in order.

Mr. FLETCHER. Let the bill go over.

Mr. CURTIS. I would like very much to have the Senator from Florida withdraw his objection. This is a departmental bill. The penitentiaries have a capacity of 4,935 prisoners and they are now taking care of 5,558. It is proposed to establish a reformatory into which shall go the young men between the ages of 17 and 30 who have committed their first offenses. If such a reformatory is not established it will be necessary to establish another penitentiary.

Mr. ROBINSON. Where is it to be located?

Mr. CURTIS. The location is not provided for. A commission is provided to select a site.

Mr. WILLIS. I desire to ask the Senator from Kansas whether his attention had been drawn to the fact that of the surplus number which they are unable now to care for there are some 1,700 of relatively tender years between the ages of 17 and 30 who are first offenders. It is criminal, it is a crime against the criminal, to crowd these young men who are first offenders in with the old, hardened criminals.

The purpose of the bill is to provide an industrial reform school where these first offenders, these young men, can be cared for. As the Senator from Kansas has correctly stated, the department regards this measure as of very great importance. I believe in the interest of good management of the penitentiaries and reformatories the bill ought to be passed at this time.

Mr. FLETCHER. I am not in disagreement with the Senators who have referred to the matter at all. It is quite an important measure, however, and there is no report attached to my file at least. There is nothing to indicate whether the department has recommended it or what the committee even has done. The bill is here by itself and that is all. It is too important a matter to just guess about it.

Mr. WILLIS. While I do not have the honor of belonging to the Committee on the Judiciary I am advised that that committee relied upon the House committee's report, which is available and which is most convincing.

Mr. FLETCHER. The Senate committee ought to have made it a part of their report, then.

Mr. WILLIS. Perhaps so, but I can assure the Senator the fact is as indicated by the Senator from Kansas. There is a great demand for the enactment of the legislation at an early date, as is set forth at length in the House committee report. It is there said that the bill—

provides for the education and training of the inmates along the most advanced lines. The object sought to be obtained will be to lead the youthful inmate to regard himself as not yet sunk to the level of the



criminal class and to preserve his self-respect so as to enable him to go out at the end of his sentence feeling that he has not been branded as a felon.

As it is, these young men are crowded in with hardened criminals, who are there for the third or fourth time, and, as I said before, it is a crime against the criminal to make him face conditions of that kind. The purpose of the bill, which does not provide immediately for an appropriation, is to direct the Attorney General, the Secretary of War, and the Secretary of the Interior to work out the plans. The matter was fully considered in the House, and a voluminous and most convincing report was prepared by the House committee.

Mr. ROBINSON. If the Senator will yield, some time ago this measure was called to my attention, and I made a study of it and reached the conclusion that the bill should pass.

The PRESIDING OFFICER. Is there objection?

Mr. FLETCHER. I am not disposed to stand in the way of an early disposition of the matter, in view of what has been said about it. I confess I am taking it largely on faith and on credit, because I have not even had time to read the bill, much less to read the report on it. The purpose of it seems to be all right, and I think that ought to be done.

The bill was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Attorney General, the Secretary of War, and the Secretary of the Interior be, and are hereby, authorized and directed to select a site for an industrial reformatory which shall be used for the confinement of male persons between the ages of 17 and 30 years, who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and sentenced for terms of imprisonment for more than one year, with or without hard labor, except those who have been convicted previously of an offense punishable by imprisonment for more than one year, and except also those convicted of treason, murder in the first or second degree, rape, or arson, and those sentenced to life imprisonment: *Provided*, That it shall be sufficient for the courts to sentence said class of offenders to imprisonment in the penitentiary without specifying the particular penitentiary or the United States industrial reformatory and the imprisonment shall be in such penitentiary or the United States industrial reformatory as the Attorney General shall from time to time designate.

Sec. 2. That upon the selection of an appropriate site the Attorney General shall submit to Congress estimate of the cost of purchasing the same, together with estimates of the expense necessary to construct the proper buildings thereon. For the purpose of construction of such buildings the Attorney General shall employ the labor of such United States prisoners confined in the United States penitentiary, Atlanta, Ga., the United States penitentiary, Leavenworth, Kans., the United States penitentiary, McNeil Island, Wash., and State or Territorial prisons, penitentiaries, or reformatories, who are eligible for confinement in said United States Industrial Reformatory under the provisions of this act, and who can be used, under proper guard, in the work necessary to construct the buildings. The Attorney General at the same time, and annually thereafter, shall submit estimates in detail for all expenses of maintaining the said industrial reformatory, including salaries of all necessary officers and employees.

Sec. 3. That the Secretary of the Treasury is hereby authorized, upon the request of the Attorney General, to cause the plans, drawings, designs, specifications, and estimates for the remodeling and construction of the necessary buildings to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office: *Provided*, That the proper appropriations for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates for the aforesaid work, and the supervision of the remodeling and construction of said buildings.

Sec. 4. That the control and management of the United States industrial reformatory shall be vested in the Attorney General, who shall have power to appoint a superintendent, assistant superintendent, and all other officers necessary for the safe-keeping, care, protection, instruction, and discipline of the inmates.

Sec. 5. That the discipline to be observed in said United States industrial reformatory shall be correctional and designed to prevent young offenders from becoming habitual criminals. It shall be the duty of the Attorney General to provide for the instruction of the inmates in the common branches of an English education, and for their training in such trade, industry, or skilled vocation as will enable said inmates, upon release, to obtain self-supporting employment and to become self-reliant members of society. For this purpose the At-

torney General shall establish and maintain a common school and trade schools in said industrial reformatory, and shall have authority to promulgate all such rules and regulations for the government of the officers of said industrial reformatory and the inmates thereof as he may deem proper and necessary.

Sec. 6. That the inmates of the United States industrial reformatory shall be employed only in the production and manufacture of supplies for the United States Government, for consumption in United States institutions, and in duties necessary for the construction and maintenance of the institution.

Sec. 7. That the Attorney General is hereby authorized, in his discretion, to transfer to the United States industrial reformatory, as accommodations become available, all persons eligible under the terms of this act for confinement in said industrial reformatory who are now, or shall hereafter be, confined in the United States penitentiary, Atlanta, Ga.; the United States penitentiary, Leavenworth, Kans.; the United States penitentiary, McNeil Island, Wash.; and State and Territorial prisons, penitentiaries, or reformatories, and who are proper subjects for confinement in said United States industrial reformatory: *Provided*, That the Attorney General shall not transfer any prisoner who has less than nine months to serve of the term for which he was sentenced. The Attorney General is hereby authorized, in his discretion, at any time to transfer from the United States industrial reformatory to any of the aforesaid United States penitentiaries, or a suitable State or Territorial penitentiary or reformatory, any person who is ineligible for confinement therein under the terms of this act, or any person who is apparently incorrigible, and whose presence in the said United States industrial reformatory is detrimental to the well-being of the institution. Such transfer shall, in the case of the United States penitentiaries and industrial reformatory, be made by the warden or superintendent of the institution from which the transfer is to be made, and in the case of State and Territorial penitentiaries or reformatories, such transfer shall be made by the United States marshal of the judicial district in which the institution from which the transfer is to be made is located. The actual and necessary expenses of such warden, superintendent, or marshal in making such transfer shall be paid, in the case of transfer from the United States penitentiaries and industrial reformatory, from the appropriation for the maintenance of the particular institution, and, in the case of transfer from State and Territorial penitentiaries, or reformatories, out of the judicial funds.

Sec. 8. That two citizens of the United States of prominence and distinction, who shall be appointed by the President for terms of two and four years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the citizen whom he shall succeed, and who shall serve without compensation, shall constitute, together with the Attorney General of the United States, the superintendent of prisons of the Department of Justice, and the superintendent of the United States industrial reformatory, who shall serve without additional compensation, a board of advisers of said reformatory. It shall be the duty of said board to devise ways and means looking to the reestablishment in society of the inmates discharged therefrom, whether by pardon, commutation, parole, or expiration of sentence, particularly with a view of securing suitable and remunerative employment for said discharged inmates: *Provided*, That the expenses of said board shall be paid out of the appropriation for the maintenance of the reformatory.

Sec. 9. That the inmates of the United States industrial reformatory shall be eligible for parole under sections 1, 2, 3, 4, 5, 6, 7, and 8 of the act of Congress approved June 25, 1910, being an act to provide for the parole of United States prisoners, and for other purposes, which provisions are hereby made to apply to all inmates of said reformatory. Such inmates shall be entitled to commutation allowance for good conduct in accordance with the provisions of the act of Congress approved June 21, 1902, and entitled "An act to regulate commutation for good conduct for United States prisoners," and the acts amendatory thereof and supplemental thereto.

Sec. 10. That every prisoner, when discharged from the United States industrial reformatory, shall be furnished with transportation to place of conviction, or place of bona fide residence, or to such other place within the United States as may be authorized by the Attorney General, and he shall also be furnished with suitable clothing and \$10 in money.

Sec. 11. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. WILLIS. I ask unanimous consent to print in the RECORD at this point the House report upon the subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none.

The report is as follows:

[House Report No. 70, Sixty-eighth Congress, first session]

Mr. FOSTER, from the Committee on the Judiciary, submitted the following report to accompany H. R. 2869:

#### ESTABLISHMENT OF A UNITED STATES INDUSTRIAL REFORMATORY

The Committee on the Judiciary, to whom was referred H. R. 2869, for the establishment of a United States industrial reformatory, having considered the same, ordered it favorably reported with a recommendation that the bill be passed as amended.

The committee amendments are as follows:

Amendment No. 1: On page 1, line 7, strike out all after "years" down to and including "imprisonment" in line 15, and insert in lieu thereof the following:

"who have been or shall be convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and sentenced for terms of imprisonment for more than one year, with or without hard labor, except those who have been convicted previously of an offense punishable by imprisonment for more than one year, and except also those convicted of treason, murder in the first or second degree, rape, or arson, and those sentenced to life imprisonment."

Amendment No. 2: On page 4 strike out line 13.

The number of Federal prisoners has been increasing so rapidly that the limit of accommodations in the three Federal penitentiaries has already been exceeded. The normal capacity of the three penitentiaries is 4,935 men. On January 8, 1924, there were actually in confinement 5,558 prisoners, an excess of 623 men. Physicians state that this overcrowding makes adequate hygienic measures difficult and endangers the health of the prisoners. Additional overcrowding will further jeopardize the health of the inmates. Overcrowding also presents a grave problem in morals and discipline. Aside from these considerations, however, unless additional accommodations are provided within the next few months the Government will be in the anomalous position of convicting men with no place provided for their incarceration. This will be clearly seen from the following facts and figures:

The population of the three Federal penitentiaries increased from 2,340 on June 30, 1912, to 4,296 on June 30, 1921, and to 5,616 on June 30, 1923, a gain of 166 per cent in 11 years and a gain of 30.7 per cent in 2 years. Stating the same facts in a different manner, there was a daily average of 1,985.7 prisoners confined during the fiscal year 1912. In 1921 this daily average increased to 3,792 and in 1923 to 5,323.28, a gain of 168 per cent in 11 years and a gain of 40.3 per cent in the last two fiscal years.

Comparison of the actual number of prisoners in confinement on January 31, 1923, with the actual number confined on January 8, 1924, shows an increase of 373 men during that period. This number would have been augmented to 624 men except for the fact that, due to excessive overcrowding, 251 military prisoners were transferred to the disciplinary barracks of the War Department. On June 30, 1923, there were pending in the United States district courts criminal cases to the number of 67,534, and indications are that convictions during the present year will greatly exceed those in the last. (See exhibit.)

The necessity for another Federal penal institution is imperative. In establishing such institution, rather than make it another penitentiary, many considerations urge the establishment of a reformatory in which may be confined young male first offenders between the ages of 17 and 30 years. At the present time this class is confined in the overcrowded penitentiaries along with the older and hardened criminals. These youthful first offenders should by all means be segregated and subjected to separate treatment and special reformatory methods.

To accomplish this end this bill provides for the establishment of a United States industrial reformatory; the discipline therein is to be correctional and designed to prevent young offenders from becoming hardened criminals. It provides for the education and training of the inmates along the most advanced lines. The object sought to be obtained will be to lead the youthful inmate to regard himself as not yet sunk to the level of the criminal class and to preserve his self-respect, so as to enable him to go out at the end of his sentence feeling that he has not been branded as a felon.

In addition to schools in which there will be classes where they will be taught the rudimentary branches of English education and hear lectures on practical subjects, there will be conducted manual-training shops, where the boys will be taught to use their hands in trades of skill.

In all these respects the Federal Government is far behind most of the States.

The bill also provides for the appointment by the President of two prominent citizens who, together with the Attorney General, the superintendent of prisons of the Department of Justice, and the head of the reformatory, shall constitute a board of advisers. It will be the duty of this board to take an active interest in the immediate and future welfare of the inmates, particularly with respect to their establishment in society upon release. This is a very important feature, as turning prisoners loose at the expiration of their terms without a position in which they can earn a livelihood is so stupid a policy that it would not be tolerated were it not for the fact that it has a long tradition behind it. It is reasonable to expect that

the schooling of the inmates, their training in trades, and their return to society under the supervision of the advisory board will constitute positive and effective factors in preventing further lapses into crime.

Briefly, the object of the accompanying bill is to complete and perfect the Federal penal system. In bringing the law up to date no novel, fanciful, or idealistic theories of reformation are invoked, neither are any drastic or reactionary measures contemplated. The bill is in accord with legislation already on the statute books of a number of the more progressive States. It is designed to meet a condition and not a theory. We face the practical problem of providing a place of confinement for Federal prisoners. Some new Federal institution for the incarceration of the young first offender must be erected. There is no place for prisoners now and no other way in which accommodations can be secured.

The exhibit referred to above is as follows:

	Number of commitments during the fiscal years ending—		
	June 30, 1912	June 30, 1921	June 30, 1923
Atlanta.....	620	1,500	1,947
Leavenworth.....	553	1,046	1,482
McNeil Island.....	170	251	286
Total.....	1,343	2,797	3,615

	Number of prisoners remaining in prison—				
	June 30, 1912	June 30, 1921	June 30, 1922	June 30, 1923	Jan. 8, 1924
Atlanta.....	954	2,091	2,334	2,633	2,522
Leavenworth.....	1,165	1,907	2,671	2,506	2,496
McNeil Island.....	221	298	535	477	540
Total.....	2,340	4,296	5,540	5,616	5,558

	Percentage of increase in number remaining in prison, 2 years (1921 to 1923)
Atlanta.....	2,633—2,091= 542, or 25.9 per cent.
Leavenworth.....	2,506—1,907= 599, or 31.4 per cent.
McNeil Island.....	477—298= 179, or 60.1 per cent.
Total.....	5,616—4,296=1,320, or 30.7 per cent.

	Percentage of increase in number remaining in prison, 11 years (1912 to 1923)
Atlanta.....	2,633—954=1,679, or 176 per cent.
Leavenworth.....	2,506—1,165=1,341, or 115.1 per cent.
McNeil Island.....	477—221= 256, or 115.8 per cent.
Total.....	5,616—2,340=3,276, or 140 per cent.

	Average daily population fiscal year ending—			
	June 30, 1912	June 30, 1921	June 30, 1922	June 30, 1923
Atlanta.....	767	1,830	2,170	2,372
Leavenworth.....	1,083	1,721	2,243.7	2,473.16
McNeil Island.....	135.7	241	372.8	478.128
Total.....	1,985.7	3,792	4,786.5	5,323.288

	Percentage of increase in average daily population, 2 years (1921 to 1923)
Atlanta.....	2,372—1,830= 542 or 29.6%
Leavenworth.....	2,473.16—1,721= 752.16 or 43.7%
McNeil Island.....	478.128—241= 237.128 or 98.3%
Total.....	5,323.288—3,792=1,531.288 or 40.3%

	Percentage of increase in average daily population, 11 years (1912 to 1923)
Atlanta.....	2,372—767=1,605 or 209.2%
Leavenworth.....	2,473.16—1,083= 1,390.16 or 128.3%
McNeil Island.....	478.128—135.7= 342.428 or 252.3%
Total.....	5,323.288—1,985.7=3,337.588 or 168.1%



Present normal capacity:	
Atlanta.....	1,970
Leavenworth.....	2,440
McNeil Island.....	525
Total.....	4,935
Number of first offenders, between ages of 17 and 30, inclusive:	
Atlanta.....	893
Leavenworth.....	745
McNeil Island.....	108
Total (including about 600 World War veterans).....	1,746

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. M. FARRELL

Mr. JONES of Washington. Mr. President, a few moments ago we reached Order of Business 779 on the calendar, House bill 2745, for the relief of J. M. Farrell. That matter had been called to my attention before this session of Congress met, but it had slipped my mind. I looked it up in the Government report, and I find that the bill is to repay to Mr. Farrell a certain amount of liquidated damages that were assessed against him for delay in delivering lumber in Alaska. According to the report, according to the letter of Mr. Mears, the chairman of the railway commission in Alaska, there was an abnormal situation in 1916 with reference to shipping which made it almost impossible for Mr. Farrell to get a ship.

Mr. ROBINSON. Mr. President, I will ask the Senator if it was not the purpose of the provision for liquidated damages to put the burden upon the contracting party to make prompt deliveries?

Mr. JONES of Washington. It was. There is no doubt about that.

Mr. ROBINSON. If we are to establish the policy of relieving wherever it is difficult for the contractor to carry out his obligation, I should like to be informed what is the advantage of requiring the prompt fulfillment of contracts of this nature?

The PRESIDING OFFICER. The Chair is in doubt as to what the request of the Senator from Washington was.

Mr. JONES of Washington. I was going to submit a request after I had taken a moment or two to explain the situation. I take it from the report here that conditions became so abnormal as to be much more burdensome than anybody could contemplate at the time the contract was entered into; and I wanted to call attention to the fact that the Interior Department makes no objection to the matter, and, according to the showing made in the report, in several cases similar to this relief has been given; and so here the department makes no objection to the repayment if Congress should deem it wise to do it.

Mr. ROBINSON. But it makes no recommendation that the party be reimbursed, as the Senator will notice.

Mr. JONES of Washington. It makes no affirmative recommendation to that effect.

Mr. ROBINSON. It leaves the subject without recommendation.

Mr. JONES of Washington. It says:

As previously advised, neither the Alaskan Engineering Commission nor this department has objection to the enactment of legislation for the relief of Mr. Farrell.

It does not make an affirmative recommendation. The letter I have read from the Acting Secretary of the Interior, in which he makes that statement, is on page 2 of this report.

Then in Mr. Mears's letter he says:

Conditions at that time were so far from normal that I would not hesitate to recommend that this claim be allowed, if consistent with the policy of Congress on such matters, were it not for the very positive understanding had with the contractor, as set forth in the purchase order and other papers relating to the purchase, and the fact that a price somewhat in excess of that offered by another bidder for shipment from Canadian mills was paid Mr. Farrell on the ground that he offered more prompt delivery.

Mr. ROBINSON. Oh, certainly.

Mr. JONES of Washington. I wanted to call the Senator's attention to that. The bill has passed the House, and I had hoped we could recur to it and pass it.

Mr. ROBINSON. I think the bill had better go over for the present, in order that the Senate may have an opportunity of studying it. It is rather an important precedent. If it is to be adopted, it ought to be done with some caution.

Mr. JONES of Washington. Very well.

The PRESIDING OFFICER. Objection is made. The Secretary will state the next bill on the calendar.

COL. HARRY F. RETHERS, UNITED STATES ARMY

The bill (H. R. 5661) granting permission to Col. Harry F. Rethers, Quartermaster Corps, United States Army, to accept the gift of a Sevres statuette entitled "Le Courage Militaire" tendered by the President of the French Republic was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. L. D. WEBB, UNITED STATES NAVY

The bill (S. 1569) to compensate Lieut. L. D. Webb, United States Navy, for damages to household effects while being transported by Government conveyance was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the appropriation for "Pay of the Navy" for the fiscal year ending June 30, 1922, to Lieut. L. D. Webb, United States Navy, such sum, not exceeding \$1,090, as may be determined by him to pay the amount of damage sustained in full settlement of all claims against the Government for damage to an automobile, silver service, and a piano shipped from San Francisco, Calif., to Washington, D. C., by Government conveyance under authority of section 12 of the act approved May 18, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. W. NEIL

The bill (S. 1221) for the relief of J. W. Neil was announced as next in order.

Mr. ROBINSON. Mr. President, what is the justification for this bill?

Mr. SMOOT. The bill speaks for itself. The department brought it to my attention.

Mr. ROBINSON. The bill does not make clear to me—it may to the Senator—the justification for the legislation. It says:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Neil, of Ogden, Utah, the sum of \$7,947.53 as compensation for and in full satisfaction of any claim such J. W. Neil may have for losses suffered by reason of the libel of a carload of sugar belonging to him on May 21, 1920, by a United States marshal under color of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as amended.

Mr. SMOOT. Yes.

Mr. ROBINSON. That does not make at all clear to me the facts in justification of the claim. The presumption is that if the officer libeled the carload of sugar, he had a right to do it.

Mr. SMOOT. But he did not have the right to do it.

Mr. ROBINSON. But the bill does not show any state of facts. The Senator says that the justification for the bill appears on its face. The bill does not show any state of facts.

Mr. SMOOT. No; I did not say on the face of the bill; I said the reports from the department.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ROBINSON. Unless the Senator can explain the circumstances of justification, I shall object.

Mr. SMOOT. I can not explain any more than what I have heard from the department. They recommend the passage of the bill, and they say that the United States in error libeled this carload of sugar.

Mr. ROBINSON. Let the bill go over for the present.

Mr. SMOOT. I am perfectly willing that it shall go over.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

PONCA TRIBE OF INDIANS

The bill (S. 1392) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 13, after the word "limitation," to insert "and any tribe or band of Indians deemed necessary to a final determination of any suit filed hereunder shall be joined as the court may order"; and on page 3, line 4, after the word "Indians," to insert "and in

no event to exceed the sum of "\$25,000," so as to make the bill read:

*Be it enacted, etc.,* That all claims of whatsoever nature, both legal and equitable, which the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska may have against the United States, including among other things claims for moneys due the Ponca Tribe but allowed or paid to some other tribe or tribes of Indians, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and render final judgment thereon.

The Court of Claims shall advance the cause upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Ponca Tribe in the premises: *Provided*, That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may offer against the said Ponca Tribe notwithstanding lapse of time or statutes of limitation, and any tribe or band of Indians deemed necessary to a final determination of any suit filed hereunder shall be joined as the court may order. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Ponca Tribe of Indians as parties plaintiff against the United States as the party defendant. The petition or petitions may be verified upon information and belief as to the facts therein alleged by the attorney or attorneys employed by the Ponca Tribe under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by existing law; and no other verification shall be necessary: *Provided*, That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys not to exceed 10 per cent of the amount of the judgment rendered in favor of said Indians, and in no event to exceed the sum of \$25,000; and the same shall be paid out of any sum or sums found due said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### UINTAH AND WHITE RIVER TRIBES OF UTE INDIANS

The bill (S. 3080) for the relief of the Uintah and White River Tribes of Ute Indians, of Utah, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 15, after the word "consideration," to strike out "and" and to insert:

Any suit or suits filed hereunder shall be commenced by petition, subject to amendment, to be filed in the Court of Claims within two years after the approval of this act by the attorney or attorneys to be employed by the said Indians under contract as required by sections 2103-5 of the United States Revised Statutes. Such petition shall be verified by the attorney or attorneys and shall set forth all the facts on which the claims for recovery are based, and shall be signed by the attorney or attorneys employed, and no other verification shall be necessary.

Upon final determination of such suit or cause of action the Court of Claims shall decree such fees to be paid the attorney or attorneys as it shall find reasonable, but in no case shall such fees amount to more than 10 per cent of any judgment recovered in such suit or cause, and in no event shall such fee amount in the aggregate to more than \$50,000 and shall be paid out of any judgment recovered, and the balance of such judgment shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, where it shall bear interest at the rate of 4 per cent per annum.

And—

So as to make the bill read:

*Be it enacted, etc.,* That to carry into effect the existing agreement between the Uintah and White River Tribes of Ute Indians of Utah respecting the lands in the former Uintah Indian Reservation in said State, ceded by them to the United States, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment, with right of appeal as in other cases, on the claims and rights of said Indians under said agreement and the acts of May 27, 1902 (32 Stat. p. 263), March 3, 1905 (33 Stat. p. 1069), and all other acts of Congress relating thereto, including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as forest reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public land laws of the United States, as provided by said agreement and acts of Congress, and the money due therefor; and the court shall set off against any sum found due said Indians any sum or sums that shall be found to be properly chargeable under the terms of said agreement and acts of Congress and also any sum or sums paid by the United States to or for the benefit of said Indians, whether

as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration.

Any suit or suits filed hereunder shall be commenced by petition, subject to amendment, to be filed in the Court of Claims within two years after the approval of this act by the attorney or attorneys to be employed by the said Indians under contract as required by sections 2103-5 of the United States Revised Statutes. Such petition shall be verified by the attorney or attorneys and shall set forth all the facts on which the claims for recovery are based, and shall be signed by the attorney or attorneys employed, and no other verification shall be necessary.

Upon final determination of such suit or cause of action the Court of Claims shall decree such fees to be paid the attorney or attorneys as it shall find reasonable, but in no case shall such fees amount to more than 10 per cent of any judgment recovered in such suit or cause, and in no event shall such fee amount in the aggregate to more than \$50,000 and shall be paid out of any judgment recovered, and the balance of such judgment shall be placed in the Treasury of the United States to the credit of the Indians entitled thereto, where it shall bear interest at the rate of 4 per cent per annum.

And the action herein authorized shall be conducted by the attorneys already appointed by said Indians by permission of the Commissioner of Indian Affairs, and in rendering judgment herein the court shall set apart such compensation to the said attorneys as it may deem reasonable and just for legal services rendered before the appropriate committees of Congress and departments of the Government and in conducting the said cause before the courts to a final determination, and said compensation shall be paid to said attorneys by the Secretary of the Treasury out of any moneys in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment, and the balance of said judgment shall be held in the Treasury for the benefit of said Indians as a trust fund, and the interest thereon shall be distributed annually to them in accordance with existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JACOB CREW

The bill (S. 3247) providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to pay Jacob Crew, of Anadarko, Okla., the sum of \$606.97, out of any moneys unappropriated under his control belonging to the Apache, Kiowa, and Comanche Indians, the same being payment in full for the claim of said Crew for a corn crop which was upon said town site of Anadarko when said land was sold for town-site purposes.

Mr. ROBINSON. Mr. President, may I ask the Senator reporting this bill whether it was referred to the Commissioner of Indian Affairs, and whether a report was made by that officer upon the bill?

Mr. HARRELD. Yes; it was referred to him and a favorable report was made. This bill was introduced and a favorable report made on it several years ago, and it was passed by one House. It has been pending from time to time for a good while. Each time a favorable report has been made on it.

Mr. ROBINSON. I note that the report from the department appears to be under date of December, 1901—twenty-odd years ago. How does it happen that the bill has been so long delayed?

Mr. HARRELD. I do not know; but it has been passed first by one House and then by the other, and it never got through both Houses up to the present time.

Mr. ROBINSON. There seem to be reports from both the Indian Bureau and the Commissioner of the General Land Office in favor of it.

Mr. HARRELD. It is a just claim, I think. There was a corn crop growing on this town site when it was taken for town-site purposes, and the Government had a one-third interest in the corn crop. This man Crew owned the remainder. This bill is to reimburse him for the corn crop which was destroyed when this town site was established. It is a very large town now.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RALPH OLE WRIGHT AND VARINA BELLE WRIGHT

The bill (S. 3281) for the relief of Ralph Ole Wright and Varina Belle Wright was considered as in Committee of the Whole.



The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the words "sum of", to strike out "\$10,000" and insert "\$2,500, said sum to be in full settlement of the claim," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph Ole Wright and Varina Belle Wright, the parents of Ralph Atkinson Wright, deceased, who while serving as a seaman, second class, at the United States Naval Training Station at Great Lakes, Ill., while in the performance of his duty at the radio station at Great Lakes, Ill., without any fault of his own, on June 15, 1922, met his death from electric shock by coming in contact with the high-tension switches on the switchboard in basement of building No. 63 at the United States Naval Training Station, Great Lakes, Ill., in use as a transmitting and receiving radio station, the sum of \$2,500, said sum to be in full settlement of the claim.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FRED A. GOSNELL AND OTHERS

The bill (S. 2976) to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii, and special disbursing agent, in the settlement of certain accounts, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of \$1,460.68, paid out by him in good faith, through error, in auditing and misinterpretation of the provisions of the Fourteenth Decennial Census act, during the census period from July 1, 1919, to July 1, 1922; and also the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of \$91.50 paid out by him in good faith during the period from July 1 to September 30, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MRS. JOHN P. HOPKINS

Mr. DIAL. Mr. President, a short time ago I objected to the consideration of Order of Business 767, House bill 3411, for the relief of Mrs. John P. Hopkins. I will ask now to recur to that bill. I have gone into the facts, and have been convinced that perhaps there is some justice in it, and that the bill probably ought to pass. I therefore withdraw my objection.

Mr. SMOOT. Mr. President, just let it go over for a few moments.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The bill will be passed over, under objection, for the time. The Secretary will state the next bill on the calendar.

#### STANSFIELD A. AND ELIZABETH G. FULLER

The bill (H. R. 914) granting six months' gratuity pay to Stansfield A. and Elizabeth G. Fuller was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 1326) for the relief of Clara T. Black was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1807) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve was announced as next in order.

Mr. ROBINSON. Mr. President, that seems to be a very important bill, and I suggest that it can not be considered and disposed of under the order we are now proceeding.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9076) to amend sections 2 and 5 of the act entitled "An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws," approved March 4, 1923, was announced as next in order.

Mr. JONES of Washington and other Senators. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. Mr. SMOOT. Mr. President, this bill came from the House, and for some reason was read twice, considered, and placed on the calendar. The bill ought to have been referred to the Committee on Finance, and I ask that that be done.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that House bill 9076, Order of Business 823, be taken from the calendar and referred to the Committee on Finance. Without objection, that order will be made.

Mr. SMOOT. I want to say that there is also a Senate bill of the same purport. It is a very important measure, but I am not going to ask that it be considered at this time, because I think the Senate committee will report the House bill rather than the Senate measure.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

#### JOHN BAUMEN

The bill (H. R. 6506) for the relief of John Baumen, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTATE OF C. M. COLE

The bill (H. R. 4760) for the relief of the estate of C. M. Cole, of Butler County, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 5819) for the relief of the estate of the late Capt. D. H. Tribou, chaplain United States Navy, was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### ALBERT E. LAXTON

The bill (H. R. 7420) for the relief of Albert E. Laxton was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 8258) for the relief of Capt. Frank Geere was considered as in Committee of the Whole.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

#### APPRAISER OF MERCHANDISE, PORTLAND, OREG.

The bill (S. 3352) to provide for the appointment of an appraiser of merchandise at Portland, Oreg., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That on and after the passage of this act the Secretary of the Treasury is authorized and directed to appoint, pursuant to the civil service laws and regulations, an appraiser of merchandise at Portland, Oreg., prescribe his duties when not otherwise defined by law, and fix his compensation.

Sec. 2. So much of paragraph 3 of section 2587 of the Revised Statutes as provides for the appointment of an appraiser of merchandise at Portland, Oreg., is hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LIEUT. RICHARD EVELYN BYRD, JR., UNITED STATES NAVY

The bill (S. 3433) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy, was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. SWANSON. Mr. President, I should like to make a statement about that bill.

Mr. SMOOT. I should like to have it go over.

Mr. SWANSON. I should like to make a statement in regard to it, because the subject will come up again, if the Senator will withhold his objection for the present.

This bill is a just one, and should be passed. Lieutenant Byrd, while he was at the Naval Academy, had some trouble with his foot in the athletic exercises there. He got well and graduated, and went into the Navy. After he became a junior lieutenant, however, he could not be promoted, as the trouble recurred. He was ordered before a court of inquiry, appeared before the court of inquiry, and they retired him as a junior lieutenant.

As soon as the war came on he volunteered and went into the aviation service, the most dangerous service in the entire Navy, and served abroad. He went everywhere they went. He

is now in the Navy and has been in active service ever since that time. He did not desire to retire; his retirement was against his wish. He can not serve on battleships and in such service. He can not give good service there, but in the aviation service, the most dangerous and important service of all, he is an excellent officer, and now is in charge of the aviation reserve force, which he organized. The men who were graduated with him are now lieutenant commanders in the Navy. He has had active service ever since he entered the aviation service. All this bill does is to provide that if he should be retired he would have the same position his comrades would have. The department has recommended him highly for promotion. They all tell us that the aviation service really has the most efficient personnel. I am sure there is not a man on the Naval Affairs Committee in either House who does not think that Mr. Byrd is entitled to this right.

Mr. ROBINSON. Mr. President—

Mr. SWANSON. I yield.

Mr. ROBINSON. I notice that there is a bulletin which states that the department considers that Lieutenant Byrd has rendered exceptional service, and that his case is a deserving one. The only reason favorable action is not recommended is that it is not general legislation.

Mr. SWANSON. I will say to the Senator that I assisted in fixing the law in the act of 1916 which would not permit a man who is on the retired service to receive a rank higher than that of lieutenant commander when he is transferred to active service.

Mr. SMOOT. That is a good law.

Mr. SWANSON. That was fixed in that way because we did not desire to have men who retired on their own volition coming and doing the work of people that we need in the Navy.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SWANSON. I ask for five minutes more.

Mr. SMOOT. There is no need for the Senator to speak longer, for I shall object to the consideration of the bill. The Senator can talk if he wants to, and I have no objection to his having five minutes extra, but I shall object to the consideration of the bill.

Mr. SWANSON. If the Senator would examine into this case, and go and consult the Navy Department about it, and then tell me that a retired officer who would go and serve eight years in war, in the most dangerous service—the aviation service—become an expert in that service, and then, when the time comes, that the Government can not reward him because there is no general law, I would say he was mistaken in his judgment. He is now in active service doing this work. He is doing the work that any graduate of the academy does, except that his service is more dangerous—in the Aviation Corps—and when a man did not shirk, and entered the most dangerous service during the war, it is a gross act of injustice to refuse to let this be fixed up for him.

The PRESIDING OFFICER. The bill goes over, under objection.

Mr. SMOOT. For the record, I want to say that the Acting Secretary of the Navy says:

In view of the fact that this legislation is for the benefit of an individual and not for the general good of the naval service, the department can not consistently recommend its passage.

Upon that statement I shall object, for the present at least.

#### DAMAGE BY U. S. S. "LAMBERTON"

The bill (S. 708) for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton* was announced as next in order.

Mr. ROBINSON. Mr. President, this appears to be an omnibus claims bill for damages against the Government through the operation of a destroyer. The claimants are some 20 in number. I would like to have an explanation of how it happens that so many claims are embraced in one bill.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### GROVER ASHLEY

The bill (S. 615) for the relief of Grover Ashley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Grover Ashley the sum of \$778.80.

The amendment was agreed to.

Mr. JONES of Washington. The bill apparently does not indicate what that is for. I wish the Secretary would read it. The PRESIDENT pro tempore. The Secretary has read all there is to the bill.

Mr. JONES of Washington. That is what I thought, and the bill apparently does not indicate anything but that this is simply a donation.

Mr. ROBINSON. The preamble explains that the money was taken from him by a lieutenant acting as adjutant.

Mr. JONES of Washington. The Secretary did not read the preamble, so I did not know what it was.

Mr. ROBINSON. The preamble will be read after the bill.

Mr. JONES of Washington. I know, but that does not inform us; I would like to have the preamble read.

The PRESIDENT pro tempore. The Secretary will read.

The READING CLERK. The committee proposes to strike out the preamble in the following words:

Whereas Grover Ashley was a private in the Eighteenth Field Artillery, American Expeditionary Forces; and

Whereas, while under arrest, he was relieved of a sum of money amounting to \$815.15 by officer of the day, Second Lieut. Charles S. Allen; and

Whereas said officer either stole said money or permitted it to be stolen: Therefore

#### And to insert in lieu:

Whereas Grover Ashley was a private in the Eightieth Field Artillery, American Expeditionary Forces; and

Whereas while in confinement he was relieved of \$70 United States currency and 5,290 francs, French currency, by Second Lieut. Charles S. Allen, personnel adjutant; and

Whereas only part of this currency has been returned to Grover Ashley and the balance, equivalent in United States currency to \$778.80, was lost through inexcusable negligence on the part of Charles S. Allen, then a second lieutenant, United States Army: Therefore

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### STONE TOWING LINE

The bill (H. R. 1682) for the relief of the Stone Towing Line was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Stone Towing Line, Wilmington, N. C., the sum of \$1,519.15, as reimbursement of costs of repairs to its wharf known as the steamer *Wilmington's* wharf, at Southport, N. C., damaged in collision with the U. S. dredge *Absecon*, on July 20, 1919, in accordance with report submitted in Senate Document, No. 382, Sixty-sixth Congress, third session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LIEUT. E. J. McALLISTER

The bill (H. R. 6241) for the relief of Lieut. E. J. McAllister was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieut. E. J. McAllister, Tenth Regiment United States Infantry, the sum of \$116.88, in full compensation for damages to automobile, resulting from collision with truck belonging to the United States Army, which occurred at Camp Sherman, Ohio, August 1, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ESTATE OF CHARLES L. FREER

The bill (S. 3368) to cancel the additional taxes, together with all penalties and other charges assessed against the estate of Charles L. Freer, deceased, and to remit any further taxes, penalties, or charges which may hereafter be found due from the said estate, was announced as next in order.

Mr. ROBINSON. Mr. President, a House bill similar to this has already passed the Senate to-day. I presume this bill should be indefinitely postponed.

Mr. CURTIS. I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### BILL PASSED OVER

The bill (S. 1649) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United



States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN F. MALLEY

The bill (S. 2714) for the relief of John F. Malley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on line 6, to strike out the word "sum" and insert the word "sums," and after the numerals "\$1,200" to insert "and \$683.34, respectively," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit to John F. Malley, former collector of internal revenue of the State of Massachusetts, and his accounts with the sums of \$1,200 and \$683.34, respectively, being the value of internal revenue stamps charged to him, stolen, lost, or accidentally destroyed at Boston, Mass., in the spring and summer of 1918.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET RICHARDS

The bill (S. 854) for the relief of Margaret Richards was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 6, to strike out "\$10,000" and to insert in lieu thereof "\$5,000," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margaret Richards, of Little Rock, Ark., the sum of \$5,000 for injuries sustained while en route to Camp Pike to participate in an entertainment for convalescent soldiers on May 6, 1920.

Mr. DIAL. Mr. President, this bill appears simply to be a donation to this lady. The report, on page 3, says:

The board therefore recommends that the accident was due to no fault or negligence on the part of the driver, Albert Bruner, or anyone else in the military service, and no responsibility can be placed on anyone in the military service.

Whether or not Congress wants to donate that money I do not know.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3327) to provide for the cooperative marketing of agricultural commodities was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2646) to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LEHIGH VALLEY RAILROAD CO. AND McALLISTER LIGHTERAGE LINE (INC.)

The bill (S. 2293) for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.) was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 23, after the word "damage" and the comma, to strike out the words "including interest"; and on page 3, line 12, to strike out the words "Provided further, That all proceedings heretofore taken in said suits, pleadings filed, testimony taken, decisions rendered, and orders entered shall stand, saving to all parties, including the United States, their rights of appeal," so as to make the bill read:

*Be it enacted, etc.,* That the claim of Lehigh Valley Railroad Co., as carrier and bailee of a quantity of steel billets laden on board the barge McAllister No. 85, against the United States for damage to and loss of said billets, and the claim of McAllister Lighterage Line (Inc.), as carrier and bailee of a quantity of steel billets laden on board the barge

McAllister No. 85 and as owner of the barge McAllister No. 85, against the United States for the loss of and damage to said steel billets and for losses sustained by reason of damage to the barge McAllister No. 85, all alleged to have been caused by collision on the 7th day of November, 1917, between said barge and the United States steamship *Aeolus*, then in the possession and control of the United States and being operated by the Navy Department in its transport service, in the slip adjoining No. 1 pier, Hoboken, N. J., may be sued for by Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in the suits heretofore commenced in the said district entitled "Lehigh Valley Railroad Co., as bailee of a quantity of steel billets laden on board the barge McAllister No. 85, libellant, against steam tug J. P. McAllister, her engines, boilers, etc., McAllister Lighterage Line (Inc.), claimant," in which the steamship *Aeolus* has been impleaded and the United States of America has appeared as claimant, and "McAllister Lighterage Line (Inc.), libellant, against steamship *Aeolus*, United States of America, claimant"; and such court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amount of such damage and costs, if any, as shall be found to be due against the United States in favor of said Lehigh Valley Railroad Co. or said McAllister Lighterage Line (Inc.), or against the said Lehigh Valley Railroad Co. or said McAllister Lighterage Line (Inc.) in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of proceeding with the said suits shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such notice of proceeding with the said suits shall be given and proceedings in said suits shall be commenced within four months of the date of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3398) to authorize the city of Norfolk, Va., to construct a dam from the southern and northern banks of Lafayette River to the southern and northern edges of the channel of said river was announced as next in order.

Mr. ROBINSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NORWEGIAN STEAMSHIP "HASSEL"

The bill (H. R. 7558) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable* was announced as next in order.

Mr. CURTIS. Let that go over. It does not seem to have been referred to any committee.

Mr. REED of Pennsylvania. Mr. President, that is the same as Senate bill 2718, which is on the calendar as Order of Business 594, and which was passed.

Mr. CURTIS. Then I ask that the House bill be indefinitely postponed.

Mr. REED of Pennsylvania. Would it not be better to pass this and reconsider the action in passing the Senate bill?

Mr. SMOOT. I have a number of letters here in relation to this very bill, objecting to some of the provisions in it, and suggesting amendments to it.

The PRESIDENT pro tempore. The Chair understands that the Senator from Minnesota [Mr. SHIPSTEAD] asked that this bill be passed and that the Senate bill be indefinitely postponed.

Mr. SMOOT. I object to that, Mr. President. I ask unanimous consent for the reconsideration of the vote by which the Senate bill was passed, and then we can bring it back before us.

The PRESIDENT pro tempore. The Senate bill has not been passed.

Mr. SMOOT. That is all right, then.

Mr. REED of Pennsylvania. Was not Senate bill 2718 passed?

The PRESIDENT pro tempore. When the bill was reached it was passed over upon the suggestion of the Senator from Minnesota. This bill is in Committee of the Whole and open to amendment.

Mr. SMOOT. I object.

Mr. ROBINSON. Let this bill go over, too.

The PRESIDENT pro tempore. The bill will be passed over.

#### BILLS PASSED OVER

The bill (S. 2424) to reduce the fees for grazing livestock on national forests was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2844) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3278) to establish a council on universities and colleges in the District of Columbia, and for other purposes, was announced as next in order.

Mr. HARRELD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 25) authorizing a per capita payment of \$50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation was announced as next in order.

Mr. HARRELD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### PONCA TRIBE OF INDIANS

The bill (H. R. 4275) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims was announced as next in order.

Mr. HARRELD. A bill similar to that was passed a little while ago. Let this be passed over for the present, so that I may look into the matter. I am sure we passed a bill similar to it. I would like to have it passed over for the moment.

The PRESIDENT pro tempore. It will be passed over temporarily.

#### LANDS OF INDIANS OF QUAPAW AGENCY

The bill (H. R. 4818) to perfect the title of purchasers of Indian lands sold under the provisions of the act of Congress of March 3, 1909 (35 Stat. L. p. 751), and the regulations pursuant thereto as applied to Indians of the Quapaw Agency, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in all cases where lands allotted to members of any of the tribes belonging to the Quapaw Agency in Oklahoma are held under a trust or other patent containing restrictions on alienation, and said restrictions have been or shall hereafter be removed by order of the Secretary of the Interior pursuant to the act of March 3, 1909 (35 Stat. L. p. 751), or said lands or any portion thereof have been or shall hereafter be sold by said allottee or his heirs under the regulations of the Secretary of the Interior pursuant to said act, the deed of such allottee or his heirs executed after the removal of such restrictions, or when approved by the Secretary of the Interior, shall convey full title to the lands or interest so sold the same as if a fee simple patent without restrictions had been issued to the allottee: *Provided,* That nothing in this act shall be construed to apply to the lands of the Kaw or Osage Indians, or to lands of Indians of the Five Civilized Tribes in Oklahoma.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PONCA TRIBE OF INDIANS

Mr. HARRELD. Recurring to Order of Business 854, House bill 4275, I find that it is identical with Senate bill 1392, Order of Business No. 815, which was passed a while ago. I move that the vote by which the Senate bill was passed be reconsidered.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent that the vote by which Senate bill 1392 was passed be reconsidered. Is there objection? The Chair hears none, and the vote will be reconsidered.

Mr. HARRELD. I ask that we return now to Order of Business No. 854.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4275) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims, which was read, as follows:

*Be it enacted, etc.,* That all claims of whatsoever nature, both legal and equitable, which the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska may have against the United States, in-

cluding among other things, claims for moneys due the Ponca Tribe but allowed or paid to some other tribe or tribes of Indians, shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and render final judgment thereon.

The Court of Claims shall advance the cause upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Ponca Tribe in the premises: *Provided,* That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims including gratuities which the United States may offer against the said Ponca Tribe notwithstanding lapse of time or statutes of limitation, and any tribe or band of Indians deemed necessary to a final determination of any suit hereunder shall be joined as the court may order. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Ponca Tribe of Indians as parties plaintiff against the United States as the party defendant. The petition or petitions may be verified upon information and belief as to the facts therein alleged by the attorney or attorneys employed by the Ponca Tribe under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by existing law; and no other verification shall be necessary: *Provided,* That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys not to exceed 10 per cent of the amount of the judgment rendered in favor of said Indians and in no event to exceed the sum of \$25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit; and the same shall be paid out of any sum or sums found due said tribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRELD. I now ask for the indefinite postponement of Senate bill 1392.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### BUREAU OF INDIAN AFFAIRS APPROPRIATIONS

The bill (H. R. 7077) to amend an act entitled "An act to amend an act entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914,' approved June 30, 1913," approved May 26, 1920, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 1 of an act entitled "An act to amend an act entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914,' approved June 30, 1913," approved May 26, 1920, be, and is hereby, amended to read as follows:

"That the Secretary of the Interior is hereby authorized to pay, out of any funds of the Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations, on deposit in the Treasury of the United States, the proportionate cost of street paving, construction of sidewalks and sewers heretofore or hereafter constructed and abutting on unsold lots belonging to any of said tribes and as may be properly chargeable against said town lots, said payments to be made upon submission of proof to said Secretary of the Interior showing the entire cost of the said street paving, sidewalk, and sewer construction, and that said improvement was duly authorized and undertaken in accordance with law: *Provided,* That the Secretary of the Interior shall be satisfied that the charges made are reasonable and that the lots belonging to the above-mentioned tribes against which the charges were made have been enhanced in value by said improvements to not less than the amount of said charges."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SALE OF LANDS ON QUAPAW INDIAN AGENCY, OKLAHOMA

The bill (H. R. 7453) to amend an act approved March 3, 1909, entitled "An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 1 of the act of March 3, 1909 (35 U. S. Stat. L. p. 751), being "An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and



for other purposes," be, and the same is hereby, amended so as to authorize the sales, under regulations prescribed by the Secretary of the Interior, and upon application of allottees or heirs of lands allotted to Indians of the Quapaw Agency, Okla., and now held and designated as homesteads, whenever in the opinion of the Secretary such sales would be for the best interests of the applicants.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 3459) to encourage and promote the sale and export of agricultural products grown within the United States was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 253) to continue the Select Committee on the Veterans' Bureau was announced as next in order.

Mr. REED of Pennsylvania. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 5420) to provide fees to be charged by clerks of the district courts of the United States was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5423) to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357), was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 227) to authorize an adjustment of the claim of the city of New York for expenses incurred on behalf of the United States during the Civil War was announced as next in order.

Mr. DIAL. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (H. R. 8086) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### FEES FOR CLERKS OF UNITED STATES COURTS

Mr. PEPPER. Mr. President, Calendar No. 861, the bill (H. R. 5420) to provide fees to be charged by clerks of the district courts of the United States was called a moment ago, and on the suggestion of a Senator it was to go over. I wish to ask permission to make a moment's statement in regard to the bill, with the permission of the Senator who requested that it be passed over.

It will be remembered that this morning half a dozen bills were passed by the Senate relating to practices in the district courts and offices of clerks of the courts of the United States. I called attention to the fact in the case of one of those bills that the House of Representatives had passed a similar measure and procured the substitution of the House bill after reconsideration of the passage of the Senate bill, and the House bill was passed. I have since discovered that the House had passed two of the other measures which we passed this morning, and one of them is House bill 5420, Order of Business 861. I should like to ask unanimous consent to reconsider the action taken in the case of Senate Calendar 675, the bill (S. 2173) to provide fees to be charged by clerks of the district courts of the United States, in order that I may then ask for the consideration and disposition of Senate Calendar 861, to which I have just referred.

Mr. ROBINSON. Are the two bills identical?

Mr. PEPPER. They are identical, with the single exception that the House has substituted February 1, 1925, for the effective date. The effective date in the bill as the Senate passed it was inadvertently allowed to remain as July 1, 1924.

Mr. ROBINSON. I suggest to the Senator that it would require an amendment to the House bill now, since July 1, 1924, has already passed, and perhaps he had just as well let the House act upon the Senate bill. Nothing can be accomplished here now. It is getting very late in the day and a number of Senators are anxious to leave.

Mr. PEPPER. It would take but a moment to dispose of it.

Mr. ROBINSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### BILLS PASSED OVER

The bill (S. 3394) to amend section 26 of the interstate commerce act as amended was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3035) to provide for the appointment of a commissioner of reclamation, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### STATISTICS OF COTTON

The bill (S. 3530) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton" was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the first sentence of section 2 of the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved April 2, 1924, is amended to read as follows:

"SEC. 2. That the statistics of the quantity of cotton ginned shall show: The quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1, by States, the name, post-office address, and owner of each ginnery reporting to the Bureau of Census, together with the quantity ginned by each ginnery; and the name of the special agent or other employee of the Bureau of the Census reporting for each district statistics of the quantity of cotton ginned: *Provided*, That the Director of the Census may limit the canvasses of August 1 and August 16 to those sections of the cotton-growing States in which cotton has been ginned."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CONSTRUCTION OF RURAL POST ROADS

The bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. STERLING. Mr. President, I want to say just a word in regard to the bill. It is a very important measure and should be passed at an early date. It is a bill appropriating for good roads, \$75,000,000 for the year 1926, and a like amount for the year 1927 for good roads generally, and \$7,500,000 for each of two years for forest roads and trails. It is in pursuance of a policy of the Government in regard to good roads as established by the act of 1916, the first Federal highway act, and by the more comprehensive act of 1921. I hope the bill will pass. It is a House bill.

Mr. SMOOT. I was asked by a Senator to object to the consideration of the bill if it came up to-day and therefore I shall have to object to the passage of the bill to-day.

Mr. STERLING. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

#### RETIREMENT FOR DISABILITY IN LIGHTHOUSE SERVICE

The bill (S. 3613) to provide for retirement for disability in the Lighthouse Service was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. JONES of Washington. If the Senator will withhold his objection just a moment, I think he will withdraw it when I read from the letter of the department upon which the committee acted, as follows:

The employees of the field service of the Lighthouse Service now may be retired for age under the lighthouse retirement act of June 20, 1918, but these provisions should be extended to cover cases of disability before the retirement age is reached. The general civil service retirement act of May 22, 1920, contains such a provision, as do the laws applying to the Coast Guard, the Coast and Geodetic Survey, and the Army and Navy, and the result is that the field employees of the Lighthouse Service are now the only persons in the Government service who can not be retired for disability. Retirement for disability is of especial importance in the work of the Lighthouse Service, because it is essential that the personnel on lighthouse vessels and stations shall be physically competent; the work is hazardous, and the safety of lives and property is dependent on its faithful performance. This provision will increase the efficiency of the Lighthouse Service by tending to reduce accidents and to increase the reliability of aids to navigation.

I call the Senator's attention, too, to this part of the letter:

References will be found in my annual reports for 1922, 1923, and 1924, recommending this legislation, the present need of which is urgent. Reports have been received by the department of a number of distressing cases, not due to misconduct, such as blindness, heart or other organic trouble, paralysis, and cancer.

Upon that letter the Commerce Committee was unanimous in recommending the bill, and I hope the Senator will withdraw his objection.

The PRESIDENT pro tempore. Is the objection withdrawn?

Mr. SMOOT. I have not had time to read in detail nor to study the bill as I should. I do not know where this special privilege granted to field clerks and other employees of the Government is going to end. I can not see where it is going to end. It seems to me it will not be many years before we will have every man and every woman who works for the Government of the United States put in some particular position, forever and ever to draw compensation from the United States, not under the retirement law but following the plan mapped out here for the Army and Navy. We are fast drifting to that end. The bill may be all right, but I have not had time to study it, and for that reason I object to its consideration at this time. I will ask the Senator to let it go over to-day and I will give it attention at the first opportunity.

The PRESIDENT pro tempore. The bill will be passed over.

#### CLAIM OF NEAR EAST RELIEF

The joint resolution (S. J. Res. 118) to authorize the United States Shipping Board to adjust the claim of the Near East Relief was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, at the last session we passed a bill canceling a claim of the United States against the Near East Relief for some quarter of a million dollars or \$300,000. A representation was made at that time that the Near East Relief was entirely without assets, that the claim was utterly worthless, and that was given as the reason why we ought to pass the bill.

Here comes a bill showing that they have an asset in the shape of a claim against the Shipping Board. The bill, if passed, would be nothing more nor less than a charitable donation by the United States Government to the Near East Relief work. I do not think, when we have just been through the other process of canceling a claim against them, that we ought to be asked now to make a contribution to them.

Mr. JONES of Washington. The bill does not contemplate the payment of any money to them. It is to be repaid in the transportation of their supplies if there are any to be transported. That is all the bill provides.

Mr. REED of Pennsylvania. We pay them in services.

Mr. JONES of Washington. We pay them in services by transporting supplies that they are taking for the relief of people for which they get nothing. It is an eleemosynary institution.

Mr. REED of Pennsylvania. I know it is, but I do not think the United States ought to be compelled to contribute to an eleemosynary institution without a frank disclosure by them of all the facts. I do not believe they gave us a frank disclosure when we passed the other bill. I know I raised the question then, and I was told by the sponsor of the other bill that the organization had absolutely nothing; that it was going out of business as fast as it could, and that our claim was utterly worthless. Here they bob up with some assets.

Mr. JONES of Washington. Of course, I knew nothing about that.

Mr. REED of Pennsylvania. Of course, the Senator had nothing to do with that, and I am not in any way ascribing any blame to him.

Mr. JONES of Washington. The Shipping Board recommended the matter to us very strongly. The Near East people paid the Shipping Board, I think, something over \$400,000 for the transportation of their supplies, with the understanding that there would be no return cargo, and therefore the freight charges were higher. They did help in giving a return cargo of some \$70,000 of freight, and for that reason they come to the Shipping Board asking for reimbursement, and the Shipping Board recommends it. The Commerce Committee knew nothing about the other matter and simply acted on these facts.

Mr. REED of Pennsylvania. I think I shall ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### LAND IN DULUTH, MINN.

The bill (S. 3123) authorizing the Secretary of Commerce to convey certain lands to the city of Duluth, Minn., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc., That the Secretary of Commerce is authorized to convey to the city of Duluth, Minn., the following-described land, now a part of the fisheries station in said city: Beginning at a point on the east line of Sixtieth Avenue east in the city of Duluth, State of Minnesota, said point lying 15.96 feet in a southerly direction from a point at the intersection of the center line of London Road, extended with the said east line of Sixtieth Avenue east; thence extending in an easterly direction at an angle of 66° and 15' to the left of said east line of Sixtieth Avenue east, a distance of 37.80 feet to a point of curve; thence continuing on a curve to the left whose radius is 1,399.7 feet, a distance of 406.3 feet to the center line of Lester River as now located; thence in a southerly direction along the center line of said Lester River, a distance of 72.8 feet to a point; thence westerly, parallel to the curve above described and distant therefrom 66 feet, a distance of 178.2 feet to a point; thence northerly on a radial line a distance of 8.5 feet to a point; thence westerly parallel to the curve first above described and distant therefrom 57.5 feet, a distance of 278.1 feet to a point of tangency; thence westerly on a tangent line a distance of 12.50 feet to a point on the east line of Sixtieth Avenue east; thence northerly on said east line of Sixtieth Avenue east a distance of 62.82 feet to a point of beginning and there terminating, containing an area of 0.637 acre: Provided, That the land authorized to be conveyed hereunder shall be used for the construction of and be maintained as a public highway free of any expense to the United States, and all work thereon shall be such as not to interfere with the operations and efficiency of the fisheries station and in a manner satisfactory to the Secretary of Commerce: Provided further, That in the event of the discontinuance by the city of Duluth of the use of the above-described property as a public highway or the failure to maintain same in a manner satisfactory to the Secretary of Commerce, the title of said land shall revert to the United States.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAUL CRUM

The bill (H. R. 3388) to place the name of Paul Crum on the muster rolls of Company E, First Regiment Nebraska Infantry, United States Volunteers, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. FRAZIER. Will the Senator from Utah withhold his objection a moment until I can make a brief statement?

Mr. SMOOT. Certainly.

Mr. FRAZIER. The beneficiary of the bill is a North Dakota boy who was under age at the time of the Spanish-American War. He ran away from home and got over to Manila and went into the service there and made a mighty good record. If the bill is passed, it will put him in line for the McKinley medal, and that is all it amounts to.

Mr. SMOOT. The bill has no reference whatever to the McKinley medal. It gives him all rights and privileges as if he had never left the Army. I can not see any reason why the bill was reported. There is no report upon it from the department. I would like, at least, to know what the department has to say in relation to it.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interjection?

Mr. SMOOT. Certainly.

Mr. REED of Pennsylvania. The Committee on Military Affairs considered the case very carefully. As a matter of fact, Congress has previously passed a bill crediting this man with his service up to March 28, 1899. That was a mistake in date, but the bill which was passed would entitle him to a pension, if any pension were paid to Spanish War veterans. However, he has never made any effort to get a pension. He is not at all disabled. He is practicing law now successfully. The only purpose in having a new bill presented is to make him eligible for the McKinley medal, which is highly prized by the men who had service in the Spanish-American War.

Mr. SMOOT. That may be the only purpose of the bill, but that is not the only result that can follow from its passage.

Mr. REED of Pennsylvania. He is not entitled to a pension even if the bill should pass.

Mr. SMOOT. If it was extended to June 20, 1899, and he was considered to have served until that time, then he would be entitled to a pension.

Mr. REED of Pennsylvania. No.

Mr. SMOOT. I do not see why.

Mr. REED of Pennsylvania. Because veterans of the Spanish War are not entitled to service pensions.

Mr. SMOOT. But the Senator knows very well there will probably not another session of Congress pass before they are entitled to it. I know there is a general feeling in this Chamber that such a law should be enacted for the Spanish War veterans.



Mr. REED of Pennsylvania. He would already fall within the provisions of such an act, because his service has been legitimated by the prior act. We passed another bill for him at a prior Congress.

Mr. SMOOT. I do not remember that act.

Mr. REED of Pennsylvania. It is an unusual case. This young man was under age and tried to enlist, and they would not take him. Somehow he smuggled himself on a transport, went to the Philippines, joined up with a company, was carried through in uniform, and participated in all the battles. He was waging a private war of his own against Spain, because he never was a part of our military forces. All the bill does is to assimilate his war into our war and recognize him as a part of that military force.

Mr. SMOOT. That is a splendid statement of the case, but did not the Government pay him while he was serving?

Mr. REED of Pennsylvania. Not a cent. We fed him, because he joined the company at mess, and he got clothing in some manner, so that he was uniformed as a soldier, but he was never on the rolls and never got a cent of pay, and yet he served.

Mr. ROBINSON. All he wants is a medal?

Mr. REED of Pennsylvania. Yes.

Mr. ROBINSON. Then I say give it to him.

Mr. SMOOT. But that is not what the bill provides.

The PRESIDENT pro tempore. Does the Senator from Utah withdraw his objection?

Mr. SMOOT. Yes; I will withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That Paul Crum, formerly of the city of Fargo, State of North Dakota, shall be held and considered to have served as a private in Company E, First Regiment Nebraska Infantry, United States Volunteers, in the war with Spain, from March 28, 1899, to June 20, 1899, and to have been honorably discharged of said last date.

Sec. 2. That said Paul Crum be, and he is hereby, entitled to all privileges and immunities belonging to a private soldier of said regiment, including all medals, citations, and decorations for remaining in the service after the expiration of the usual term of enlistment during the war with Spain, the same as though he had been regularly enlisted therein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TRANSFER OF LIGHTHOUSE REAL PROPERTY

The bill (S. 3571) authorizing the transfer of real property no longer required for lighthouse purposes was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of Commerce be, and he is hereby, authorized to transfer to the War Department for military purposes that portion of the Elm Tree Beacon Lighthouse Station described as follows, the same being no longer needed for lighthouse purposes:

Beginning at a point on the center of a granite monument on the southwesterly side of New Dorp Lane, which monument marks the northwesterly corner of the property and bears 125° 59' 15.53 feet from a monument of the topographical department of New York City, thence the property line bears 122° 9' 92.38 feet to the center of a similar granite monument, thence continuing in the same straight line 154.66 feet more or less to high-water line of New York Bay, thence along the said high-water line as the same winds and turns to the southwesterly corner of a stone jetty, thence along the southwesterly face of the said jetty 301° 9' 144.03 feet to the westerly corner thereof, thence 38° 54' 1.56 feet, thence 304° 7' 75 feet to the center of a granite monument at the southwesterly corner of the property, thence 36° 35' 229.033 feet to the center of the stone monument at the point or place of beginning, being an area of 1.1 acres more or less.

Sec. 2. The transfer herein authorized shall be made without charge to the War Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SUPPRESSION OF LIQUOR TRAFFIC AMONG INDIANS

The bill (S. 2375) to facilitate the suppression of the intoxicating liquor traffic among Indians was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the first paragraph of section 6 of the act of November 23, 1921 (ch. 134, 42 Stat. L. pp. 222-223), shall not apply to operations in Indian country under the special laws prohibiting the introduction, sale, gift, possession, manufacture, etc., of intoxicating liquors within Indian country.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COMPILATION OF INDIAN LAWS AND TREATIES

The resolution (S. Res. 271) authorizing preparation of compilation of Indian laws and treaties was announced as next in order.

Mr. SMOOT. Let the resolution go over.

Mr. HARRELD. Does the Senator want a statement with reference to the resolution, or does he want to have it go over without any explanation?

Mr. SMOOT. I want it to go over.

The PRESIDENT pro tempore. The resolution will be passed over.

#### CHIPPEWA INDIANS OF MINNESOTA

The bill (H. R. 26) to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act was announced as next in order.

Mr. ROBINSON and Mr. DIAL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

#### OMAHA INDIAN RESERVATION LANDS

The bill (H. R. 6541) to amend an act entitled "An act to provide for the disposal of the unallotted lands on the Omaha Indian Reservation, in the State of Nebraska," was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the act approved May 11, 1912 (37 Stat. L. p. 111), entitled "An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska," is hereby amended by striking out all after the enacting clause and inserting the following:

"That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, if necessary, and appraised in such manner as he may direct, in tracts of 40 acres each, or as nearly thereto as the Secretary may deem practicable, and after such survey and appraisal to sell and convey in quantities not to exceed 160 acres to any one purchaser, all the unallotted lands on the Omaha Indian Reservation in the State of Nebraska except such tracts as are hereinafter specifically reserved: *Provided*, That the said land shall be sold to the highest bidder under such regulations as the Secretary of the Interior may prescribe, but no part of said land shall be sold at less than the appraised value thereof: *Provided further*, That the use of the underground mineral rights of the unallotted lands be, and the same are hereby, reserved for the benefit of the children who are entitled to participate in said lands under the act of May 11, 1912, *supra*.

"Sec. 2. That the Secretary of the Interior is hereby directed to reserve from sale under the terms of this act the following tracts of land in sections 24, 25, and 26, in township 25 north, range 9 east of the sixth principal meridian in Nebraska for the purposes designated: Sixty acres of the land now used for agency purposes described as the southeast quarter of the northwest quarter and the south half of the northeast quarter of the northwest quarter of section 25 be reserved for agency and school purposes for so long as the need thereof exists; and 40 acres for use as a tribal cemetery, described as the southwest quarter of the southwest quarter of section 24, including the tract now used for that purpose: *Provided*, That two and one-half acres thereof may be reserved for the use of the Presbyterian Church now located thereon so long as needed for religious or educational purposes; and 230 acres, more or less, described as the east half of the northeast quarter of section 26, and the west half of the northwest quarter and the north half of the northeast quarter of the northwest quarter of section 25, and that portion of the southeast quarter of the northwest quarter of section 25 lying south and west of a certain irrigation ditch consisting of approximately 10 acres, and the southeast quarter of the southwest quarter of section 24, for the special and specific use of the Omaha Tribe, to be used for fair purposes, camping grounds, race track, and other tribal needs, the same to be held in reserve from the sale authorized by this act until such time as the Secretary of the Interior may determine that such lands are no longer needed for such purposes.

"Sec. 3. That the proceeds of such sale, after paying all the expenses incident to and necessary for carrying out the provisions of this act, and after reimbursing the general trust fund of the tribe for any assessment paid therefrom for protecting the unallotted tribal lands from overflow, shall be divided pro rata among the children of the Omaha Tribe living on May 11, 1912, who have not received allotments of land under the acts of August 7, 1882 (22 Stat. L. p. 341), and March 3, 1893 (23 Stat. L. p. 630), and shall be expended for the benefit of said Indians when and in such manner as in the opinion of the Secretary of the Interior shall be to their best interests, and pending such expenditure by the said Secretary the sums due the respective Indians shall be placed to the credit of the said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, but in the event of the death of any such Indian

while there remains in the Treasury to his credit any part of the sum so deposited the said sum shall be paid at once to his heirs, who shall be determined by the Secretary of the Interior in accordance with the laws of descent in force in the State of Nebraska, and the action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final.

"SEC. 4. That for the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated the sum of \$1,000, or so much thereof as may be necessary, to be reimbursable out of the funds arising from the sale of said lands.

"SEC. 5. That sections 1, 3, and 4 of this act shall not become operative so long as the need thereof exists of maintaining an agency and school for the Omaha Tribe of Indians residing on the Omaha Indian Reservation in the State of Nebraska."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### YANKTON BAND OF Santee SIOUX INDIANS

The bill (H. R. 8545) conferring jurisdiction on the Court of Claims to determine and report upon the interest, title, ownership, and right of possession of the Yankton Band of Santee Sioux Indians to the Red Pipestone quarries, Minnesota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### UNITED STATES BOTANIC GARDEN

The joint resolution (H. J. Res. 257) providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OHIO RIVER BRIDGE

The bill (S. 3428) authorizing the construction of a bridge across the Ohio River to connect the city of Portsmouth, Ohio, and the village of Fullerton, Ky., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Fullerton & Portsmouth Bridge Co., a corporation organized and existing under the laws of the State of Kentucky, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, to a point in Greenup County, Ky., near the village of Fullerton, from a point near the central portion of the city of Portsmouth, county of Scioto, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS, ETC., PASSED OVER

The bill (H. R. 4168) to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat. L. p. 670), was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. 283) favoring the allotment of sufficient funds to the Interstate Commerce Commission to enable it to carry on the work of valuation of common carriers was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

#### OUACHITA RIVER BRIDGE

The bill (S. 3621) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Ouachita River,

at a point suitable to the interests of navigation, at or near Monroe, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BAYOU BARTHOLOMEW BRIDGE, LA.

The bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew, at a point suitable to the interests of navigation, and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, at or near each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COOSA RIVER BRIDGE

The bill (H. R. 9518) granting the consent of Congress to the State of Alabama, through its highway department, to construct and maintain a bridge across the Coosa River at or near Leesburg, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DELAWARE RIVER BRIDGE

The bill (S. 3584) to extend the time for completing the construction of a bridge across the Delaware River was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1925, is hereby extended for a further period of three years from the last-named date.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LANDS IN MONTANA

The bill (H. R. 7522) to authorize and direct issuance of patents to purchasers of lots in the town site of Bowdoin, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### KARL T. LARSON, DECEASED

The bill (S. 3548) for the relief of the heirs of Karl T. Larson, deceased, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the homestead entry No. 051366, Glasgow, Mont., made by Karl T. Larson, deceased, on September 21, 1917, under section 2289, Revised Statutes, for lot 8, section 29, lots 5 and 6, section 28, and lot 2, section 33, township 28 north, range 53 east, Montana meridian, containing 155.84 acres, be, and the same is hereby, validated, and the Secretary of the Interior is hereby authorized to issue patent thereon to Lars Larson, for the benefit of the heirs of the said Karl T. Larson.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CANADIAN CAR & FOUNDRY CO. (LTD.)

The bill (S. 3505) for the relief of Canadian Car & Foundry Co. (Ltd.) was considered as in Committee of the Whole and was read, as follows:



*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the agency of the Canadian Car & Foundry Co. (Ltd.), the sum of \$192,278.83 paid by the agency of the Canadian Car & Foundry Co. (Ltd.), as duties on certain materials imported into the United States for shipment abroad but which were destroyed by fire after such manufacture and before the same were exported, such refund to be paid out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THOMAS C. JOHNSON, DECEASED

The bill (S. 3534) to correct the military record of Thomas C. Johnson, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "That," to strike out "other than as above set forth," so as to make the bill read:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and their widows, Thomas C. Johnson, who was a private in Company G, Eighteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been mustered in as a member of said company or regiment on December 22, 1863, and honorably discharged therefrom on December 1, 1864: *Provided*, That no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ALBERT E. MAGOFFIN

Mr. WILLIS. Mr. President, earlier in the day objection was made by the Senator from South Carolina [Mr. DIAL] to the consideration of Senate bill 3066, Order of Business 638. I understand that the Senator is not now disposed to press that objection, and I ask unanimous consent to return to the bill. Its consideration will take only a moment.

The PRESIDENT pro tempore. Is the objection to the consideration of the bill withdrawn?

Mr. DIAL. Mr. President, I do not insist on the objection, although I think it is bad legislation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3066) for the relief of Albert E. Magoffin, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert E. Magoffin, out of any money in the Treasury not otherwise appropriated, the sum of \$75 in full settlement of all pay, bounty, and allowance due by reason of his service in the Eighty-ninth Regiment Ohio Volunteer Infantry during the Civil War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COMMISSIONER OF RECLAMATION

Mr. McNARY. Mr. President, a few moments ago I was called from the Chamber, and while absent this body reached the consideration of Order of Business 870, Senate bill 3035. I ask unanimous consent to recur to that bill.

Mr. SMOOT. Mr. President, I will say to the Senator that the Appropriations Committee have inserted in the Interior Department appropriation bill the very item for which this bill provides.

Mr. McNARY. Very well.

Mr. SMOOT. I think it will become a law quicker in that way than in any other.

Mr. McNARY. Very well, Mr. President. I am very happy to have that statement in the Record. My point is accomplished, and I will not press the request.

Mr. ROBINSON. What salary does the commissioner receive now?

Mr. SMOOT. Seven thousand five hundred dollars.

#### EDITH BOLLING WILSON

Mr. BURSUM. Mr. President, I ask unanimous consent to present a report favoring the passage of a special act granting a pension to the widow of Woodrow Wilson. I ask consent that the report be received and that the bill be given immediate consideration.

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent to report favorably, from the

Committee on Pensions, Senate bill 3707, granting a pension to Edith Bolling Wilson. Is there objection to the presentation of the report? The Chair hears none.

The Senator from New Mexico asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edith Bolling Wilson, widow of Woodrow Wilson, late President of the United States, and to pay her a pension at the rate of \$5,000 per year from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COLUMBIA RIVER BRIDGES

Mr. JONES of Washington. Mr. President, from the Committee on Commerce I ask unanimous consent to report back favorably, with amendments, Senate bill 3640, granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River south of Chelan Falls, Wash., and I submit a report (No. 827) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the reception of the report? The Chair hears none. The Senator from Washington asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 6, before the word "about," to strike out "on State road No. 10, at a point," and to insert "at a point suitable to the interests of navigation"; in line 7, after the word "between," to strike out "Orondo in"; and in line 8, after the word "and," to strike out "Chelan Falls in," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Washington, or its assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, about one mile south of Chelan Falls, between Douglas County and Chelan County, Wash., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. From the same committee, I ask unanimous consent to report back favorably, with an amendment, Senate bill 3641, granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Vantage Ferry, Wash., and I submit a report, No. 828, thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the reception of the report? The Chair hears none. The Senator from Washington asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 1, line 6, after the words "Columbia River," to strike out "on State road No. 7, at," and to insert "at a point suitable to the interests of navigation, at or near," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Washington, or its assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near Vantage Ferry, between Kittitas and Grant Counties, Wash., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington. From the same committee, I ask unanimous consent to report back favorably, with amendments, Senate bill 3642, granting the consent of Congress to the State of Washington to construct, maintain, and operate a bridge across the Columbia River at Kettle Falls, Wash.; and I submit a report (No. 829) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the reception of the report? The Chair hears none. The Senator from Washington asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 6, after the words "Columbia River," to strike out "on State road numbered 3, at Kettle Falls," and to insert "at a point suitable to the interests of navigation, at or near Kettle Falls, and"; in line 7, after the word "between," to strike out "Laurier in"; and in the same line, after the word "and," to strike out "Coville in," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of Washington, or its assigns, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation, at or near Kettle Falls, and between Ferry County and Stevens County, Wash., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PRICES OF FARM PRODUCTS

Mr. NORBECK. Mr. President, on behalf of a subcommittee appointed by the Committee on Agriculture and Forestry, I ask that the time be extended until February 1 within which to make the report on Senate Resolution 249, authorizing an investigation of the amount of losses sustained by the farmers of the United States on account of governmental fixing of price on wheat during the World War. The original resolution calls for a report by January 1.

Mr. SMOOT. It is a Senate resolution, is it?

Mr. NORBECK. It is.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the time is extended accordingly.

#### ADJOURNMENT

Mr. CURTIS. Mr. President, I move that the Senate adjourn, the adjournment being, under the order previously made, until Friday at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Friday, January 2, 1925, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

TUESDAY, December 30, 1924

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of our fathers, we thank Thee for the memory of the past, for those who lived according to Thy law and labored in Thy Spirit. May their influence so abide that it shall reveal unto us our greater and our better selves. This day keep our hearts pure, our visions clear, and our actions upright. As we engage in our labors may we breathe the atmosphere of truth and goodness. Dispel all sadness and sorrow from our lives and let the light of Thy presence fall upon our firesides and loved ones wherever they may be, O Lord of mercy and love. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### ADJOURNMENT OVER NEW YEAR'S DAY

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet on Friday, January 2, 1925.

The SPEAKER. The gentleman from Ohio asks unanimous consent that when the House adjourns to-morrow it adjourn to meet on Friday next. Is there objection?

There was no objection.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries.

#### TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10982) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10982, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The Clerk will continue the reading of the bill for amendment.

The Clerk read as follows:

For incidental and contingent expenses, \$1,000.

Mr. SMITH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH: Page 35, line 4, after the word "expenses," strike out "\$1,000" and insert in lieu thereof "\$1,500."

Mr. SMITH. Mr. Chairman, on account of the increasing amount of business at the assay office at Boise, Idaho, it is necessary to have, for contingent expenses, \$1,500 instead of \$1,000.

The appropriation for the incidental and contingent expenses for the fiscal year 1924 was \$1,000, and it was necessary to appropriate \$300 additional in the deficiency appropriation bill enacted during the last session.

For the current fiscal year \$1,000 was appropriated, and it will be necessary to have a deficiency appropriation for the balance of the fiscal year of from three to five hundred dollars.

The Budget recommended an appropriation of \$1,500 for the incidental and contingent expenses for the next fiscal year. The hearings disclose that when the Director of the Mint was before the subcommittee he stated that from this appropriation of \$1,500 it would be necessary to purchase a new grinder, and in addition the usual quantity of acid, fuel, chemicals, crucibles, and other articles must be purchased.

The volume of business at the Boise assay office has increased 100 per cent during the last year, \$200,000 having been paid for bullion during the first six months of the current fiscal year. During the last fiscal year there were 553 deposits of gold and silver, the coining value of which was \$296,936.88.

I hope my amendment may be adopted, as the office can not be operated for less than \$1,500 for contingent expenses.

Mr. MADDEN. Mr. Chairman, in order to save time I will say that the committee inadvertently struck out the increase of \$500 in the item to which the gentleman from Idaho offers his amendment. Last year we had to grant a deficiency appropriation to meet the needs of this office, and the amendment the gentleman offered should be adopted.

Mr. BLANTON. This is a small item, Mr. Chairman; but does the chairman of the committee know what the extra \$500 is for?

Mr. MADDEN. Yes. They spent \$1,300 in 1924 for this same activity. We had to grant them a deficiency item of \$300. When we were considering it we overlooked the fact that we had to give them a deficiency.

Mr. BLANTON. Suppose the item had been left at \$1,000, what particular hurt would have come?

Mr. MADDEN. We would have to give them a deficiency later on.

Mr. BLANTON. It is an increase in some salary there?

Mr. MADDEN. No; this is the purchase of materials in connection with the assays.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read, as follows: